



Journal of the Senate

Number 19

Thursday, May 10, 1979

The Senate was called to order by Senator Peterson at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3. Senator Henderson represented the Committee on Rules and Calendar and the Minority Party.

INTRODUCTION

By Senator Lewis—

SR 1292—A Senate Resolution Observing Mother's Day

—was read the first time by title and referred to the Committee on Rules and Calendar.

SB 1293 was introduced May 8 and passed.

By Senators W. D. Childers and Tobiasen—

SB 1294—A bill to be entitled An act relating to Escambia County; prohibiting the Escambia County Commission from entering into any agreement to purchase additional utility facilities, or to provide additional utility services, or expand any existing such facility or service without referendum approval of the electors of the area affected; providing a referendum; prescribing the ballot statement; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed—

| | | |
|----------------------|---------|---------|
| CS for CS for HB 312 | HB 1098 | HB 1508 |
| HB 1601 | HB 1555 | HB 314 |
| HB 375 | HB 702 | HB 1620 |

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committees on Transportation and Health & Rehabilitative Services and Representative Sample and others—

CS for CS for HB 312—A bill to be entitled An act relating to transportation services; amending s. 401.21, Florida Statutes; providing a short title; amending s. 401.23(1), (4), (5) and adding subsection (14) thereto, Florida Statutes; providing definitions; amending s. 401.24, Florida Statutes; requiring the Department of Health and Rehabilitative Services to develop and periodically revise a comprehensive state plan for emergency and nonemergency medical transportation services; amending s. 401.25(1), (2), (4), (7), (8), Florida Statutes, 1978 Supplement; prescribing license requirements for emergency or nonemergency medical transportation services; providing an exemption; amending s. 401.26, Florida Statutes, 1978 Supplement; prescribing permit requirements for vehicles used by emergency or nonemergency medical transportation services; amending s. 401.31, Florida Statutes; requiring the Department of Health and Rehabilitative Services to inspect and examine each business licensed to provide emergency or nonemergency medical transportation service; amending s. 401.35, Florida Statutes; authorizing the Department of Health and Rehabilitative Services to promulgate rules necessary to carry out the purposes of part III, chapter 401, Florida Statutes; amending s. 401.38, Florida Statutes; authorizing the department to participate in federal programs

aimed at the delivery of emergency or nonemergency medical transportation services; amending s. 401.40, Florida Statutes; requiring any emergency or nonemergency medical transportation service operated out of a facility licensed under chapter 470, Florida Statutes, to keep its records separate from those of the funeral establishment and to maintain a separate phone number; repealing s. 401.22, Florida Statutes, which provides legislative intent; providing for conditional repeal; exempting vehicles licensed under the act from regulation by the Florida Public Service Commission; exempting public bus system vehicles from the provisions of this act; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Health and Rehabilitative Services; and Ways and Means.

By the Committee on Insurance—

HB 1098—A bill to be entitled An act relating to insurance investments; adding a subsection to s. 625.305, Florida Statutes, limiting the amount an insurer may invest in an individual mortgage loan; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Insurance—

HB 1508—A bill to be entitled An act relating to group life insurance; amending s. 627.573, Florida Statutes, to provide that upon replacement or termination of a group life insurance policy the prior insurer remains liable to the extent of its accrued liabilities and extensions of benefits; creating s. 627.574, Florida Statutes, setting forth the liability of the succeeding insurer upon replacement; creating s. 627.575, Florida Statutes, requiring extension of benefits and providing provisions therefor; providing for conditional repeal; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Judiciary and Representatives Dunbar and Thompson—

HB 1601—A bill to be entitled An act relating to the Attorney General, amending s. 16.01, Florida Statutes, 1978 Supplement, specifying officers to whom the Attorney General shall give his official opinion and legal advice in writing; specifying officers to whom the Attorney General may give his official opinion and legal advice in writing; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Rules and Calendar.

By the Committee on Tourism & Economic Development—

HB 1555—A bill to be entitled An act relating to economic development; amending s. 288.075, Florida Statutes, relating to confidentiality of records, to define "economic development agency" for purposes of provisions providing that economic plans, intentions, or interests of certain corporations held by economic development agencies be confidential; extending the time period in which such confidentiality shall apply to any particular plan held by such agencies; providing an effective date.

—was read the first time by title and referred to the Committee on Governmental Operations.

By Representative Moffitt and others—

HB 314—A bill to be entitled An act relating to court costs; adding a new subsection (2) to s. 57.041, Florida Statutes,

providing for the award of attorney's fees in certain civil actions commenced after October 1, 1979; providing that such an award becomes a part of the judgment and is subject to execution; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

By the Committee on Judiciary and Representative Thompson—

HB 375—A bill to be entitled An act relating to the Florida Legislative Law Revision Council; repealing part IV of chapter 13, Florida Statutes, to abolish the council; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Representative Bush—

HB 702—A bill to be entitled An act relating to cooperatives; creating s. 719.112, Florida Statutes, requiring all cooperative unit owners to approve certain changes unless otherwise provided in the original cooperative documents; providing an effective date.

—was read the first time by title and referred to the Committee on Economic, Community and Consumer Affairs.

By the Committee on Judiciary—

HB 1620—A bill to be entitled An act relating to guardianship; adding subsection (16) to s. 744.102, Florida Statutes, defining "next of kin"; creating s. 744.1025, Florida Statutes, making definitions in the Florida Probate Code applicable to the Florida Guardianship Law; amending s. 744.301(2), Florida Statutes, to allow a guardian to settle small claims for injuries or damages to minor children without court approval; amending s. 744.309(1) and (2), Florida Statutes, and adding new subsections, clarifying present provisions and expanding the list of persons qualified to serve as guardians for resident incompetents; amending s. 744.312, Florida Statutes, providing for appointment of a guardian for a minor pursuant to directions in the will of said minor's surviving parent; amending s. 744.331(3) and (4), Florida Statutes, 1978 Supplement; providing that, in any petition for the adjudication of a person as incompetent, the next of kin of an alleged incompetent shall be specified; providing that notice of hearing shall be given to such persons as the court may direct; amending s. 744.334, Florida Statutes, providing that the names and addresses of next of kin of an incompetent shall be listed on a petition for appointment of guardian if known to the petitioner; amending s. 744.337(1), Florida Statutes, providing for notice of hearing when a petition for appointment of guardian is not heard on the same date that the ward is adjudicated incompetent; amending s. 744.341, Florida Statutes, relating to voluntary guardianship; eliminating the notice of hearing requirements applicable to other guardians; providing that notice of hearing be given as directed by the ward; amending s. 744.387(2), Florida Statutes, 1978 Supplement, providing for a guardian settling small claims for injuries or damages to minor children without court approval; amending s. 744.437, Florida Statutes, giving the court discretion to require a guardian to appear before the court to provide certain information; amending s. 744.447(2), Florida Statutes, providing that notice of hearing of a guardian's petition for authority to act shall be given to those interested persons who have filed requests for notice; amending s. 744.457(1)(b), Florida Statutes, giving the court discretion to allow retention of the survivorship character of proceeds, upon sale of property owned by a ward and his spouse as tenants by the entirety or joint tenants with right of survivorship; repealing s. 744.302, Florida Statutes, relating to testamentary guardians; providing an effective date.

—was read the first time by title and referred to the Committee on Judiciary-Civil.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

| | | |
|---------|-------|---------------|
| HB 1063 | HB 49 | CS for CS for |
| HB 193 | | HB 469 |

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative Mills—

HB 1063—A bill to be entitled An act relating to unfair insurance trade practices; amending s. 626.9541, Florida Statutes, 1978 Supplement, and s. 626.9551(2), Florida Statutes, deleting the requirement that certain unfair methods of competition and unfair or deceptive acts or practices in the insurance trade must be committed or performed without just cause and with such frequency as to indicate a general business practice from definitional terms and from certain penalty provisions; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By Representative Davis and others—

HB 49—A bill to be entitled An act relating to mediation of disputes between citizens; authorizing the establishment of Citizen Dispute Settlement Centers; requiring appointment of a council to adopt certain rules for the administration of such a center; prohibiting such a center from making or imposing any adjudication, settlement, or penalty; providing for confidentiality of certain information; providing for referral of disputes to certain agencies; authorizing the seeking and acceptance of funds from certain sources and the expenditure of such funds; providing exemptions for certain existing centers; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; Judiciary-Civil and Ways and Means.

By the Committees on Appropriations, Governmental Operations and Representative Bell and others—

CS for CS for HB 469—A bill to be entitled An act relating to improvement of public administration and management; creating ss. 241.80 and 241.81, Florida Statutes, providing legislative intent; providing for an Institute of Government in the State University System; providing for institute assistance to state and local agencies; specifying duties, headquarters and handling of funds; providing duties of the Board of Regents with respect thereto; renumbering s. 240.047, Florida Statutes, and amending subsection (3) thereof, providing for institute administration of personnel exchange programs; creating ss. 110.032 and 110.033, Florida Statutes, providing that the Department of Administration shall develop a comprehensive career development education and training policy and expanded management fellows programs; amending s. 110.071, Florida Statutes, authorizing rather than requiring reimbursement to the state for certain services; adding subsection (6) to s. 240.043, Florida Statutes, relating to institute cooperation in continuing education programs; providing an effective date and a repealer.

—was read the first time by title and referred to the Committees on Education, Governmental Operations and Ways and Means.

By Representative Jennings—

HB 193—A bill to be entitled An act relating to cruelty to animals; amending s. 828.05, Florida Statutes; specifying conditions under which injured or diseased animals may be destroyed by certain officers; providing that such officers shall not be liable for such action; amending s. 828.13, Florida Statutes; prohibiting certain abandonment of animals; providing a penalty; providing an effective date.

—was read the first time by title and referred to the Committee on Agriculture.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed HB 1230 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative O'Malley—

HB 1230—A bill to be entitled An act relating to insurance; amending and renumbering s. 627.7375, Florida Statutes, 1978 Supplement, which provides a penalty for furnishing false and fraudulent statements in support of claims, to specify that such

provisions apply to the furnishing of statements to any insurance company, including, but not limited to, any motor vehicle, life, disability, credit life, credit, casualty, workmen's compensation, surety, title, premium finance, reinsurance, fraternal benefit, home or automobile warranty insurer; revising cross references; amending s. 626.989(1) and (3), Florida Statutes, 1978 Supplement; correcting cross references to conform; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended—

CS for HB 479 HB 1424 HB 1603
HB 170

—and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance and Representative Lippman and others—

CS for HB 479—A bill to be entitled An act relating to automobile liability insurance; requiring an insurer to provide a premium discount to certain persons who have had no chargeable accidents or points in the past 36 months and who have successfully completed the National Safety Council's Defensive Driving Course or any driving training course approved by the Department of Highway Safety and Motor Vehicles; providing for temporary cancellation of discounts; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

By the Committee on Judiciary and Representative Thompson—

HB 1603—A bill to be entitled An act relating to civil process; amending s. 30.17(2) and (3), Florida Statutes, deleting provision that execution docket be laid before the court each term; amending s. 48.021, Florida Statutes, providing all process be served by sheriffs and deleting authorization to appoint a special process server; amending s. 48.031, Florida Statutes, providing service of process may be made on any person residing in defendant's abode; providing such service of witness subpoenas; amending s. 30.231, Florida Statutes, providing various increases in sheriffs' fees for service of papers; providing advance deposits for coverage of fees; providing fees earned for service or request of service; amending s. 56.23, Florida Statutes, allowing execution sales where property is stored or located; amending s. 48.081(3), Florida Statutes, allowing service of any corporation employee under certain circumstances; creating s. 48.195, Florida Statutes, providing that sheriffs may serve out-of-state process; providing protection of officers under bond when serving foreign process; providing fees for service of foreign process at Florida rates of service; providing for additional fees when additional duties required; amending s. 55.03, Florida Statutes, requiring writs to bear rate of interest on the face; creating s. 56.275, Florida Statutes, providing method to pay into county fine and forfeiture fund unclaimed money from sheriff's sales; requiring notice; providing claims procedures; amending s. 78.065(2)(c), Florida Statutes, providing nonpersonal service in replevin; amending s. 222.06, Florida Statutes, requiring an inventory of personal property within a certain period; requiring inventory to be filed with court, sheriff and debtor; providing method for contest of inventory; deleting provisions relating to the deposit of costs of appraisal by the creditor; requiring the sheriff to dispose of property on court order; providing method of disposal if no order is received; providing attorney's fees and costs to prevailing party in inventory contest; deleting a procedure for the release of exempt property from a writ of garnishment; prohibiting the acceptance of inventory before levy; repealing s. 30.232, Florida Statutes, removing discretionary process service surfees; repealing s. 56.08, Florida Statutes, removing the requirement that the purchaser of personal property at execution sale furnish bond with surety; repealing s. 125.0166, Florida Statutes, removing

the authorization for county governments to implement service of process surfees; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Ways and Means.

By Representatives Fox and Gersten—

HB 170—A bill to be entitled An act relating to wrongful death claims; amending s. 768.18(2), Florida Statutes; providing that the definition of minor children is unaffected by other statutes for purposes of the wrongful death act; amending s. 768.20, Florida Statutes; providing for survival of personal injury actions when the claimant dies from the injury; amending s. 768.21, Florida Statutes; limiting recovery for losses to surviving spouses, minor children, and parents; deleting limitation on recovery by the estate for loss of net accumulation of earnings beyond death; allowing recovery of punitive damages by the estate if otherwise allowable; amending s. 768.25, Florida Statutes; requiring court approval of settlements before and during suits under certain circumstances; allowing separate counsel for each claimant but only one suit for wrongful death; allowing separate settlements; providing a saving clause; amending s. 47.011, Florida Statutes, to specify where action for wrongful death shall be brought; providing an effective date.

—was read the first time by title and referred to the Committees on Judiciary-Civil and Commerce.

By Representative O'Malley—

HB 1424—A bill to be entitled An act relating to insurance; amending s. 627.311(3), Florida Statutes, 1978 Supplement; authorizing the Department of Insurance to review the automobile liability insurance joint underwriting plan and to approve or disapprove the plan or any part thereof at any time; providing that disapproval is subject to the provisions of chapter 120; providing that the plan shall operate subject to the supervision and approval of a board of governors; providing for the appointment of all of the board, including the chairman by the Insurance Commissioner; providing that four of the board shall be chosen from the insurance industry and two from insurance agents' associations; providing for terms and granting the Insurance Commissioner authority to remove and replace any board member appointed thereby; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

The Senate recessed at 8:35 a.m.

The Senate was called to order by the President at 9:00 a.m.
A quorum present—40:

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Gordon | Maxwell | Spicola |
| Anderson | Gorman | McClain | Steinberg |
| Barron | Grizzle | McKnight | Stuart |
| Carlucci | Hair | Myers | Thomas |
| Chamberlin | Henderson | Neal | Tobiassen |
| Childers, D. | Hill | Peterson | Trask |
| Childers, W. D. | Holloway | Poole | Vogt |
| Dunn | Jenne | Scarborough | Ware |
| Fechtel | Johnston | Scott | Williamson |
| Frank | MacKay | Skinner | Winn |

Prayer by Gary Miller, seminary student at Emory University and associate minister for the summer at First United Methodist Church, Bonifay:

Almighty God, our Heavenly Father, we thank you this morning for another day of life which you have given to us. We give thanks to you for this great institution, and for these individuals who represent the citizens of the State of Florida. We realize that this is an awesome responsibility which these public servants have taken upon themselves.

So, O God, give them foresight, that they might do that which is best, not just for the present time, but for the future as well. And give them open-mindedness, that they may be able to see both sides of an issue, and not just the side which they happen to support. And most of all, grant that they may have integrity, so that they will do that which is clearly right, even though it might not necessarily be the most expedient

thing. Finally, O God, be with them and bless them, this day, and in the days that lie ahead. For we make our prayer in Christ's name. Amen.

The Senate pledged allegiance to the flag of the United States of America.

Votes Recorded

By unanimous consent, Senator Scott was recorded as voting yea on the following bills which passed May 9: Senate Bills 1039, 1061, 1097, 1273, 1280, 1284, 1285, 1286, 1287 and 1291; House Bills 366, 534, 555, 558, 565, 592, 593, 594, 598, 600, 669, 676, 766, 802, 807, 808, 809, 810, 811, 813, 814, 815, 817, 825, 827, 851, 854, 896, 897, 907, 942, 943, 954, 955, 974, 1096, 1117, 1137, 1140, 1141, 1152, 1153, 1158, 1159, 1162, 1163, 1165, 1175, 1176, 1177, 1178, 1179, 1180, 1181, 1183, 1194, 1195, 1196, 1197, 1198, 1207, 1308, 1319 and 1398.

Employee Recognition

Mr. President: Several years ago the Senate instituted a policy of recognizing the contribution of staff—in a supporting capacity—to the services of the total legislative work product.

At some point in each legislative session—such as we are doing today—different groups within the total legislative group of employees are asked to gather to receive appropriate recognition. This morning it is my privilege to recognize on behalf of the Senate:

1. Mrs. Tommy Burns, Assistant Secretary of the Senate, who this year has completed 20 years of service with the Florida Senate and who has 34 years of total state service.

2. Mrs. Betty Swindell, Executive Secretary for the Senate Committee on Governmental Operations, who has been selected by her peers as Senate Employee of the year.

Next I wish to recognize two groups of Senate employees who perform separate and distinct vital support service to the Senate. District Office staff members are with us today, some seated on the floor and others in the gallery.

Some of the veterans of this group on the floor include four who have worked in district offices for at least 10 years. I would like them to stand to be recognized as I call their names. First, is my own fine aide, Woody Van Voorhees; Crystal Kelly, Senator Barron's aide, who is not with us today; Enid Swanson, Senator Peterson's aide; and Leo Kosky, the major domo in Senator Henderson's office.

Others in the top longevity group include Sheila McDevitt with 9 years. Rita Nielson and Sandra Parker with more than 8 years, and Gloria Harvard with 7 years.

In the west gallery are the other district employees.

Each year, when we arrive in Tallahassee, we hire session employees to assist us with our legislative workload.

We have a number of veterans in this group, and I would like those seated here in the chambers to rise as I read their names.

Shirley Gwynn heads the list with a record of 18 sessions of work in the Legislature. Belle Warren is close behind with 17 sessions. Minnie North and Lolly Pomeroy have worked for 16 sessions and Elsie Ferrell for 15. Others include Mary Beaudoin and Virginia Everett at 14, Mary Anne Hartwell and Juanita Kennison at 13, Bridget Chandler at 12, Justine Meadows and Ann Whatley at 11, Carolyn Duncan and Mary Pons at 10, Dot Parris 9, and at seven sessions each are Hildred Casey, Joan Flynn, Hanelore Green and Alice Schremp.

Our other session employees are seated in the west gallery.

Special Programs

Senator MacKay introduced Bill Crutchfield, Tallahassee, president of the Florida State Special Olympics Program. Mr. Crutchfield presented Toni Marie Chillemi, Silver Springs Shores, a Special Olympics student and winner of a national silver medal for gymnastics, who performed for the Senate.

Senator Chamberlin introduced a choral group from St. Petersburg, the Gibbs High School Junior Centurions. The group, directed by Henry Bayless, presented a musical program.

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Thursday, May 10, 1979:

| | | | |
|----------|----------|--------|---------|
| CS for | SB 336 | SB 482 | SB 785 |
| SB 592 | SB 355 | SB 495 | CS for |
| CS for | CS for | SB 518 | SB 419 |
| SB's 139 | SB's 400 | SB 546 | SB 412 |
| and 202 | and 406 | SB 651 | CS for |
| SB 150 | SB 401 | SB 660 | SB 1258 |
| SB 176 | CS for | SB 664 | SB 973 |
| SB 289 | CS for | SB 686 | SB 1002 |
| SB 349 | SB 448 | SB 762 | SB 563 |
| | | | SB 1167 |

Respectfully submitted,
Dempsey J. Barron, Chairman

The Committee on Judiciary-Criminal recommends the following pass: SB 857

The bill was referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Corrections, Probation and Parole recommends the following pass: SB 1219 with 3 amendments

The bill was referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 773, SB 865

The bills were referred to the Committee on Commerce under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: HB 557

The bill was referred to the Committee on Rules and Calendar under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass: SB 959

The bill was referred to the Committee on Transportation under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 461 SB 507 SB 657

The bills were referred to Ways and Means Subcommittee D under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 143 SB 879 with 1 amendment
CS for SB 149 SB 954 with 1 amendment

The Committee on Judiciary-Criminal recommends the following pass: SB 1254

The bills contained in the foregoing reports were referred to the Committee on Ways and Means under the original reference.

The Committee on Economic, Community and Consumer Affairs recommends the following pass:

SB 619 SB 950 HB 1579 SB 656

The Committee on Judiciary-Criminal recommends the following pass:

SB 523 SB 819 with 1 amendment
SB 816 HB 533 with 1 amendment
SB 1195 SB 1030 with 2 amendments
SB 701

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 759

The bill with Committee Substitute attached was referred to the Committee on Commerce under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 464

The bill with Committee Substitute attached was referred to the Committee on Governmental Operations under the original reference.

The Committee on Health and Rehabilitative Services recommends a Committee Substitute for the following: SB 1070

The Committee on Economic, Community and Consumer Affairs recommends a Committee Substitute for the following: SB 844

The bills with Committee Substitutes attached contained in the foregoing reports were referred to the Committee on Judiciary-Civil under the original reference.

The Committee on Judiciary-Criminal recommends a Committee Substitute for the following: SB 1013

The bill with Committee Substitute attached was placed on the calendar.

On motion by Senator McKnight, by two-thirds vote SR 1281 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator McKnight—

SR 1281—A resolution honoring the Kiwanis Club of Little Havana for supporting and organizing "Calle Ocho"—Open House 8.

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—32

| | | | |
|-----------------|----------|-------------|------------|
| Mr. President | Fechtcl | Maxwell | Steinberg |
| Anderson | Frank | McClain | Stuart |
| Barron | Grizzle | McKnight | Thomas |
| Carlucci | Hill | Peterson | Tobiassen |
| Chamberlin | Holloway | Scarborough | Trask |
| Childers, D. | Jenne | Scott | Ware |
| Childers, W. D. | Johnston | Skinner | Williamson |
| Dunn | MacKay | Spicola | Winn |

Nays—None

Votes after roll call:

Yea—Hair, Myers

In addition to the original sponsor, Senators voting in the affirmative were recorded as co-introducers of SR 1281.

On behalf of the Kiwanis Club of Little Havana, Senator McKnight presented a poster to the Senate depicting "Calle Ocho"—Open House 8.

The delegation from the Kiwanis Club of Little Havana was presented copies of SR 1281.

On motion by Senator Barron, by two-thirds vote SR 1292 was withdrawn from the Committee on Rules and Calendar.

On motion by Senator Barron—

SR 1292—A Senate Resolution Observing Mother's Day

—was taken up out of order by unanimous consent, read the second time in full and adopted. The vote on adoption was:

Yeas—40

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Gordon | Maxwell | Spicola |
| Anderson | Gorman | McClain | Steinberg |
| Barron | Grizzle | McKnight | Stuart |
| Carlucci | Hair | Myers | Thomas |
| Chamberlin | Henderson | Neal | Tobiassen |
| Childers, D. | Hill | Peterson | Trask |
| Childers, W. D. | Holloway | Poole | Vogt |
| Dunn | Jenne | Scarborough | Ware |
| Fechtcl | Johnston | Scott | Williamson |
| Frank | MacKay | Skinner | Winn |

Nays—None

In addition to the original sponsor, Senators voting in the affirmative were recorded as co-introducers of SR 1292.

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Johnston, the rules were waived and the Committee on Health and Rehabilitative Services was granted permission to extend time of adjournment of the meeting May 15 until 6:00 p.m.

On motions by Senator Johnston, by two-thirds vote SB 483 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator MacKay, the rules were waived and the Committee on Education was granted permission to consider CS for HB 469 on May 11.

On motion by Senator MacKay, the rules were waived and by two-thirds vote SB 645 was withdrawn from the Committee on Education.

On motion by Senator Dunn, the rules were waived and by two-thirds vote SB 979 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Gordon, the rules were waived and by two-thirds vote, Senate Bills 79, 119, 197, 291, 468, 776, 849, 929, and CS for SB 566 were withdrawn from the Committee on Ways and Means.

On motions by Senator Gordon, the rules were waived and by two-thirds vote SB 474 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Gordon, by two-thirds vote SB 505 with pending amendment was removed from the calendar and referred to the Committee on Ways and Means.

On motions by Senator Chamberlin, by two-thirds vote SB 1199 was withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Tobiassen, by two-thirds vote SB 979 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Fechtcl, by two-thirds vote Senate Bills 1243 and 357 were withdrawn from the committees of reference and indefinitely postponed.

On motions by Senator Jenne, by two-thirds vote SB 926 was withdrawn from the committee of reference and indefinitely postponed.

REQUESTS FOR EXTENSION OF TIME

May 8, 1979

The Committee on Commerce requests an extension of 15 days for consideration of the following:

SB 886 by Senator Trask
 SB 991 by Senator McClain and others
 SB 997 by Senator Winn
 SB 1007 by Senator McClain
 SB 1023 by Senator Williamson and others
 SB 1034 by Senator Anderson
 SB 1044 by Senator MacKay and others
 SB 1053 by Senator McClain
 SB 1082 by Senator Steinberg
 SB 1092 by Senator Jenne
 SB 1104 by Senator Dunn
 SB 1133 by Senator Henderson
 SB 1135 by Senator Poole
 SB 1142 by Senator Holloway
 SB 1155 by Senator Anderson
 SB 1156 by Senator Anderson
 SB 1157 by Senator Hill
 SB 1158 by Senator Chamberlin
 SB 1170 by Senator Gordon
 SB 1175 by Senator Henderson
 SB 1185 by Senator Henderson
 SB 1190 by Senator Hair
 SB 1205 by Senator Vogt
 SB 1210 by Senator Chamberlin
 SB 1218 by Senator Jenne and others
 SB 1221 by Senator Anderson
 SB 1222 by Senator Neal
 SB 1227 by Senator Scarborough
 SB 1234 by Senator Maxwell
 SB 1236 by Senator Jenne
 SB 1238 by Senator Vogt
 SB 1241 by Senator Vogt
 SB 1251 by Senator Spicola
 SB 1253 by Senator Dunn and others
 SB 1256 by Senator Dunn
 SB 1261 by Senator Williamson
 SB 1262 by Senator Anderson
 SB 1266 by Senator Hill
 SB 1268 by Senator Jenne
 SB 1275 by Senator Williamson
 SB 1277 by Senator Spicola
 HB 514 by Representative Silver and others
 HB 604 by Finance & Taxation Committee

May 10, 1979

The Committee on Education requests an extension of 15 days for consideration of the following:

SB 728 by Senator Williamson
 SB 732 by Senator Williamson
 SB 740 by Senator Frank
 SB 747 by Senator Steinberg
 SB 750 by Senator Carlucci
 SB 765 by Senator Poole

May 10, 1979

The Committee on Executive Business requests an extension of 15 days for consideration of the following:

SB 1108 by Senator Holloway and others

May 9, 1979

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 766 by Senator Poole
 SB 796 by Senator Poole

May 10, 1979

The Committee on Judiciary-Civil requests an extension of 15 days for consideration of the following:

SB 14 by Senator Dunn
 SB 22 by Senator Dunn
 SB 23 by Senators Dunn and Jenne
 SB 44 by Senator Dunn
 SB 50 by Senator Steinberg
 SB 58 by Senator Gordon
 SB 69 by Senator Dunn
 SB 72 by Senators Hair and MacKay
 SB 122 by Senator Gordon
 SB 146 by Senator Johnston
 SB 151 by Senator Chamberlin
 SB 196 by Senator Maxwell
 SB 232 by Senator Steinberg
 SB 260 by Senator Steinberg
 SB 268 by Judiciary-Civil Committee
 SB 269 by Judiciary-Civil Committee
 SB 283 by Senator Anderson
 SJR 287 by Senators Frank and McKnight
 SB 292 by Senator Spicola
 SB 348 by Senator Fichtel
 SB 359 by Senator Steinberg
 SB 411 by Senator Johnston
 SB 450 by Senators Dunn and Jenne
 SB 467 by Senator Frank
 SB 471 by Senator Holloway
 SB 556 by Senator Grizzle
 SB 579 by Senator McKnight
 SB 602 by Senator Myers
 SB 608 by Senator Myers
 SB 826 by Senator McClain
 SB 831 by Senator Maxwell
 SB 848 by Judiciary-Civil Committee
 SB 856 by Senator McKnight
 SB 878 by Senator Neal
 SB 904 by Senator Williamson
 SB 908 by Senator Grizzle
 SB 914 by Senator Maxwell
 SB 924 by Senator Scott
 SB 944 by Senator Holloway
 SB 946 by Senator Poole
 SB 968 by Senator Hair
 CS for HB 57 by Judiciary Committee and Representative Moffitt

May 9, 1979

The Committee on Rules and Calendar requests an extension of 15 days for consideration of the following:

SCR 427 by Senator D. Childers
 SJR 720 by Committee on Transportation
 SB 786 by Senator Chamberlin
 SB 799 by Senator Dunn and others
 SB 800 by Senator Dunn and others
 SB 801 by Senator Dunn and others

Senator Barron moved that the rules be waived and a bill relating to vocational rehabilitation be admitted for introduction notwithstanding the fact that the deadline for filing bills pursuant to Rule 4.6 had passed.

The motion was referred to the Committee on Rules and Calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has recalled from the Senate, reconsidered passage, amended and passed as amended—

By Senator Carlucci—

SB 168—A bill to be entitled An act relating to the Department of Labor and Employment Security; amending s. 20.171, Florida Statutes, 1978 Supplement; providing that the Department of Labor and Employment Security shall be headed by the Secretary of Labor and Employment Security; providing the method of appointment of the Secretary of Labor and Employment Security; ratifying prior acts of the departments; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, line 29, strike all of said line and insert the following:

Section 3. This act shall take effect upon becoming law.

On motion by Senator Carlucci, the Senate concurred in the House amendment.

SB 168 passed as amended and the action of the Senate was certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Gordon | McClain | Stuart |
| Anderson | Gorman | McKnight | Thomas |
| Barron | Hair | Myers | Tobiasen |
| Carlucci | Henderson | Neal | Trask |
| Chamberlin | Hill | Peterson | Ware |
| Childers, D. | Holloway | Poole | Williamson |
| Childers, W. D. | Jenne | Scarborough | Winn |
| Dunn | Johnston | Scott | |
| Fichtel | MacKay | Skinner | |
| Frank | Maxwell | Steinberg | |

Nays—None

Vote after roll call:

Yea—Spicola

The bill was ordered engrossed and then enrolled.

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed with amendment—

By the Committee on Corrections, Probation and Parole and Senator Scott—

CS for SB 598—A bill to be entitled An act relating to parole; amending s. 947.181, Florida Statutes; authorizing the sentencing court to require and determine the manner of performing resti-

tution or reparation as a condition for parole; deleting the authority of the Parole and Probation Commission to fix the amount of such restitution or reparation; adding new subsections (1) and (2) to s. 775.089, Florida Statutes, providing definitions; providing an effective date.

—and requests the concurrence of the Senate.

Allen Morris, Clerk

Amendment 1—On page 2, between lines 19 & 20 after the period, insert: However, in no case shall reparation be made in direct services to an individual person victim or for a duration in excess of a reasonable period of time to be determined by the sentencing court.

On motion by Senator Scott, the Senate refused to concur in the House amendment and the House was requested to recede. The action of the Senate was certified to the House.

MATTERS ON RECONSIDERATION

The motion by Senator Peterson to reconsider the vote by which SB 423 passed on May 8 was not taken up and was therefore considered abandoned.

SPECIAL ORDER

By the Committee on Ways and Means and Senators Lewis, Carlucci, Hill, Vogt, Gorman, Barron, Dunn, Henderson, Johnston, MacKay, Poole, Scott, Ware and Hair, CS for SB 592 was read the first time by title and SB 592 was laid on the table.

CS for SB 592 was taken up and on motions by Senator Johnston, by two-thirds vote HB 1046 was withdrawn from the Committee on Governmental Operations, Ways and Means Subcommittee D and the Committee on Ways and Means. On motion by Senator Johnston—

HB 1046—A bill to be entitled An act relating to financial matters pertaining to political subdivisions; adding subsections (9), (10), (11) and (12) to s. 218.31, Florida Statutes, and amending s. 218.32(1) and (2), Florida Statutes, and adding subsection (5) thereto; providing requirements with regard to financial reports by local governments; providing for submission of a verified report by the Department of Banking and Finance, and providing requirements with respect thereto; providing for filing of notice of sale or official statement with the department; creating part V of chapter 218, Florida Statutes; creating the Local Government Financial Emergencies Act; providing conditions under which a local government financial emergency is declared; providing for the authority of the Governor to resolve the financial emergency; providing for termination of state action; adding a new paragraph (c) to s. 11.45(3), Florida Statutes; providing for audits of local governments by the Auditor General under certain conditions; providing for state advisory assistance regarding bond issuance to local governments by the Department of Community Affairs; providing for a study of financial emergency indicators by the Florida Advisory Council on Intergovernmental Relations; adding subsection (5) to s. 166.241, Florida Statutes; providing for review of municipal retirement systems by the Auditor General; providing an effective date.

—a companion measure, was substituted for CS for SB 592 and read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert: Section 1. This act may be known and cited as the "Local Government Financial Emergency and Accountability Act."

Section 2. Paragraph (a) of subsection (3) of section 11.45, Florida Statutes, is amended, and paragraph (d) is added to said subsection, to read:

11.45 Definitions; duties; audits; reports.—

(3)(a) 1. The auditor General shall have the power and duty annually to make postaudits and performance audits of the accounts and records of all state agencies, as defined in this section, and to make postaudits of the accounts and records of all district school boards, and district boards of trustees of community colleges, and county agencies as defined in this section.

2. The Auditor General may at any time, and shall have the power to make postaudits and performance audits of the accounts and records of all governmental entities created pursuant to law other than authorities, boards, branches, bureaus, commissions, consolidated governments, departments, institutions, metropolitan governments, offices, and officers of counties and districts. The postaudits and performance audits referred to in this subparagraph above shall be made whenever determined by the Auditor General, whenever directed by the Legislative Auditing Committee, or whenever otherwise required by law or concurrent resolution. All agencies, other than state agencies as defined in this section, district school boards, and district boards of trustees of community colleges shall have the power to have a performance audit or postaudit of their accounts and records by an independent certified public accountant retained by them and paid from their public funds. The authorities, boards, branches, bureaus, commissions, consolidated governments, departments, institutions, metropolitan governments, offices, and officers of counties and districts other than district school boards, district boards of trustees of community colleges, and those county agencies as defined in this section shall have the power and duty to

3. Each local governmental entity created pursuant to law for which entity a postaudit was not performed pursuant to subparagraph 1. or subparagraph 2., except municipalities with annual budgets of less than \$100,000, shall require that an annual postaudit of its accounts and records be completed shall, within 6 months after the end of its respective fiscal year, be completed by an independent certified public accountant retained by it them and paid from its their public funds, except when prior notification by the Auditor General or the Legislative Auditing Committee indicates that the Auditor General shall conduct the audit.

4. Any postaudit required to be performed under subparagraph 3. shall be submitted to the Auditor General no later than 7 months after the end of the fiscal year of the governmental entity. If the Auditor General does not receive the postaudit within such period, he shall notify the Legislative Auditing Committee that such governmental entity has not complied with this subparagraph. Following notification of failure to submit the required audits the Legislative Auditing Committee may notify the Department of Revenue and the Department of Banking and Finance that the local unit of government has failed to comply. Upon notification the department shall withhold any funds payable to such governmental entity until the required postaudit is received by the Auditor General. If the Auditor General does not receive the postaudit within such period, and if the governmental entity is not a county and if no funds are available for the state to withhold from such governmental entity, the Legislative Auditing Committee shall prepare a local bill to dissolve the governmental entity, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and Speaker of the House of Representatives for introduction.

5. The Auditor General in consultation with the Board of Accountancy, shall review all audits completed for local units of government by an independent certified public accountant.

(d) The Auditor General shall at least every 2 years make a performance audit of the local government financial reporting system required by ss. 11.45(3), 23.0115, 165.091, part VII of chapter 112, part III of chapter 218, and section 10 of this act. The performance audit shall analyze each component of the reporting system separately and analyze the reporting system as a whole. The purpose of such audits is to determine the efficiency and effectiveness of the reporting system in monitoring and evaluating the financial conditions of local governments and to make recommendations to the local governments, the Governor, and the Legislature as to how the reporting system can be improved and how program costs can be reduced.

Section 3. Section 112.63, Florida Statutes, 1978 Supplement, is amended to read:

112.63 Actuarial reviews.—

(1) Each retirement system or plan coming under the provisions of this part shall have regularly scheduled actuarial reviews made by an enrolled actuary who is a member of the Society of Actuaries or of the American Academy of Actuaries.

(2) The frequency of such actuarial reviews shall be at least every 3 years, and an actuarial opinion or statement shall be required in conjunction with, and prior to, the adoption of any increased benefits to be provided under the retirement plan or system.

(3) The actuarial review shall contain, but not be limited to, the following information and such other information as the retirement system or plan deems pertinent or which the Department of Administration may require:

(a) Adequacy of employer and employee contribution rates in meeting levels of employee benefits provided in the system or plan, and changes, if any, needed in such rates to achieve or preserve a level of funding deemed adequate under actuarial standards to amortize the unfunded liability pursuant to s. 112.64(2);

(b) Valuation of present and prospective assets and liabilities of the system or plan, and the extent of unfunded accrued liabilities; and

(c) Actions, if any, required to amortize the unfunded liability pursuant to s. 112.64(2).

(4) Beginning July 1, 1980, each retirement system or plan of a unit of local government shall maintain, in accurate and accessible form, the following information:

(a) For each active and inactive member of the system, a number or other means of identification, date of birth, sex, date of employment, period of credited service, split, if required, between prior service and current service, and occupational classification;

(b) For each active member, current pay rate, cumulative contributions together with accumulated interest, if credited, age at entry into system, and current rate of contribution;

(c) For each inactive member, average final compensation or equivalent, and age at which deferred benefit is to begin;

(d) For each retired member and other beneficiary, a number or other means of identification, date of birth, sex, beginning date of benefit, type of retirement, type and amount of monthly benefit, and type of survivor benefit; and

(e) Such additional information as may be required by the division.

(5) No unit of local government shall agree to a proposed change in retirement benefits unless the administrator of the system, prior to adoption of the change by the governing body, and prior to the last public hearing thereon, has issued a statement of the actuarial impact of the proposed change upon the local retirement system, consistent with the actuarial review, and has furnished a copy of such statement to the division. Such statement shall also indicate whether the proposed changes are in compliance with s. 14, Art. X of the State Constitution and with this part.

(6) The results of each actuarial review shall be certified by the actuary making the actuarial review and shall be filed within 60 days thereof with the administrator of the retirement system or plan. Thereafter, the results of such actuarial review shall be made available for inspection to the members of the particular retirement system or plan upon request. Additionally, each retirement system or plan covered by this part which is not administered directly by the Department of Administration through the Division of Retirement shall furnish a copy of each actuarial review to the Division of Retirement within 60 days of receipt from the actuary.

(7) Upon receipt, pursuant to subsection (6), of an actuarial review, or upon receipt, pursuant to subsection (5), of a statement of actuarial impact, the division shall review and comment on the actuarial valuations and statements. If the division finds that the actuarial valuation is not complete, accurate or based on reasonable assumptions, or if the division does not receive the actuarial review or statement of actuarial impact, the division shall notify the local government and request appropriate adjustment. If after a reasonable period of time, a satisfactory adjustment is not made, the division shall perform an actuarial review or prepare the statement of actuarial impact. Before the division performs an actuarial valuation or statement, the affected local government may petition for a hearing under the provisions of s. 120.57. The cost to the di-

vision of performing such actuarial review or preparing such statement shall be charged to the governmental entity of which the employees are covered by the retirement system or plan. If payment of such costs is not received by the division within 60 days after receipt by the governmental entity of the request for payment, the division shall certify to the Comptroller the amount due, and the Comptroller shall pay such amount to the division from any funds payable to the governmental entity of which the employees are covered by the retirement system or plan.

Section 4. Section 112.665, Florida Statutes, is created to read:

112.665 Duties of Division of Retirement.—

(1) The Division of Retirement of the Department of Administration shall:

(a) Gather, catalog, and maintain complete, computerized data information on all public employee retirement systems or plans in the state, based upon a review of audits, reports, and other data pertaining to the systems or plans;

(b) Receive and comment upon all actuarial reviews of retirement systems or plans maintained by units of local government;

(c) Cooperate with local retirement systems or plans on matters of mutual concern and provide technical assistance to units of local government in the assessment and revision of retirement systems or plans;

(d) Issue an annual report to the Legislature and to the Governor detailing its activities, findings, and recommendations concerning all governmental retirement systems, which report shall be made public and may include legislation proposed to carry out such recommendations; and

(e) Adopt reasonable rules to administer the provisions of this part.

(2) The division may subpoena actuarial witnesses, review books and records, hold hearings, and take testimony. A witness shall have the right to be accompanied by counsel.

Section 5. Section 165.091, Florida Statutes, is amended to read:

165.091 Department of Community Affairs; general powers and duties.—

(1) The department shall:

(a) Conduct studies of county, municipal, and special district formation and boundary reorganization problems throughout the state.

(b) Conduct studies relating to the need for, and the feasibility of, formation and service delivery adjustments that will strengthen the capability of local governments to provide and maintain essential public services in a fiscally equitable manner.

(c) Conduct studies relating to the fiscal conditions of units of local government. Prior to consideration of any special law to incorporate, merge, or dissolve a municipality, determine that the conditions herein or otherwise prescribed by law have been met. No such special law shall be enacted unless a statement by the department is attached to the original copy of the bill stating whether all of the conditions herein or otherwise prescribed have been met.

(d) Submit each year a written report to the governor and legislature summarizing the studies conducted, their findings and recommendations, and any findings in respect to federal state county municipal special district relationships or problems and providing any additional information required under this chapter or pertinent thereto.

(2) Factors to be studied may include demographic and land area characteristics; per capita assessed valuation; per capita tax burden in relation to per capita personal income; need for organized municipal services; topographic features; cost and adequacy of governmental services and controls; future needs for such services and controls; and the probable effect of alternative courses of action on the tax incidence, service quality, local governmental structure, growth, environmental development, and other aspects of the community.

(2)(3) On or before July 1 March 1 of each year, the department, based on information provided by the Comptroller and the Departments of Administration and Revenue, and specifically noting any additional information developed through other means, shall develop and publish a general census of local government and report with respect to each county, municipality, and special district in the state. Information in the general census of local government shall be developed from any information maintained by any state agency and shall be consistent with standards developed by the United States Bureau of the Census and with s. 23.0115. Information in the census shall be summarized and organized to facilitate easy comparisons of major financial, economic, and demographic information for similar units of local government.*

(a) Total population, as indicated by the last preceding federal census or other official state population estimate authorized by state law.

(b) Total equalized assessed valuation of taxable property, as indicated by the most recent official state sources of such data.

(c) Total revenues received by each unit of local government during its most recent fiscal year for which data are available, from:

1. State aid, which for this purpose shall comprise any moneys authorized or appropriated by the legislature and allocated for support of any unit of local government, excluding any moneys paid to any such unit in fulfillment of a specific contractual obligation between it and the state.

2. All local general revenue sources of each such unit, which for this purpose shall comprise all receipts, exclusive of amounts from borrowing, state aid, federal government grants in aid, federal revenue sharing or block grants, and any charges and earnings derived from and used in the operation of water supply, electric power, gas supply, transit systems, or other proprietary activities.

3. All federal general aid and federal or state grants in aid or block grants received.

(d) Such other census items as may be necessary.

Section 6. Subsections (1) and (2) of section 218.32, Florida Statutes, are amended to read:

218.32 Financial reporting; units of local government.—

(1)(a) Each unit of local government, within 90 days after the close of its fiscal year, shall complete a balance sheet and statement of operations, as of the close of its fiscal year, prepared in compliance with generally accepted government accounting principles and showing all assets, liabilities, equities, income, and expenditures of the unit of local government.

(b) Each Every unit of local government shall submit a copy of a financial report covering its their operations during the preceding fiscal year within 180 90 days after the close of the fiscal year. The financial report reports shall be consistent with the standards established by the United States Bureau of the Census and shall contain such information and be in such form as may be required by the department to adequately assess the financial conditions of the unit of local government. The information in the financial report submitted to the department shall be completed by a certified public accountant retained by the unit of local government and paid from its public funds. The certified public accountant shall certify that the report has been completed in accordance with instructions provided by the department and is produced from the audited financial statements required by s. 11.45(3).

(c) If the department fails to receive the financial report within such period, it shall notify the Legislative Auditing Committee of such failure to report. Following receipt of notification of failure to report the Legislative Auditing Committee may notify the Department of Revenue and the Department of Banking and Finance that such unit of local government has not complied with paragraph (b). Upon notification the departments shall withhold any funds payable to such unit of local government until the required financial report is received by the Department of Banking and Finance. If the Department of Banking and Finance fails to receive the financial report within such period, and if the unit of local govern-

ment is not a county and if no funds are available for the state to withhold from such unit of local government, the department shall report such failure to the Legislative Auditing Committee. Upon receipt of the report of such failure, the Legislative Auditing Committee shall prepare a local bill to dissolve the unit of local government, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and Speaker of the House of Representatives for introduction.

(2) The department shall annually file a report, by May 1 March 1, with the Governor and Legislature showing, in detail, the numbers and types of units of local government, the revenues, both locally derived revenues and derived from intergovernmental transfers, and expenditures of such units, retirement information on all local retirement systems as provided by the Division of Retirement of the Department of Administration, bonded indebtedness of all units of local government as provided by the Division of Bond Finance of the Department of General Services, and any additional items of data or analyses thereof as developed by the department.

Section 7. Section 218.37, Florida Statutes, is created to read:

218.37 Duties of Division of Bond Finance.—

(1) The Division of Bond Finance of the Department of General Services, with respect to both general obligation bonds and revenue bonds, shall:

(a) Provide information, upon request of a unit of local government, on the preliminary planning of a new bond issue;

(b) Collect, maintain, and make available information on outstanding bonds of local units of government;

(c) Serve as a clearinghouse for information on all local bond issues;

(d) Undertake or commission studies on methods to reduce the costs of state and local bond issues;

(e) Recommend changes in law and in local practices to improve the sale and servicing of local bonds;

(f) Issue a regular newsletter to issuers, underwriters, investors, and the public, describing proposed new bond issues, new bond sales, refundings, and other pertinent information relating to local and state bonds; the division may charge fees for subscriptions to the newsletter;

(g) Issue an annual report to the Legislature describing the operations of the division relating to this section and s. 218.38; and

(h) Provide the Department of Banking and Finance with current available information on all outstanding bond issues and new bond issues of units of local government.

(2) The Division of Bond Finance of the Department of General Services may adopt rules to implement the provisions of this section and s. 218.38.

(3) The governing board of the Division of Bond Finance shall appoint an Advisory Council to consult and assist the division with the implementation of this section; said council shall consist of the following:

(a) Two representatives of the municipal investment banking industry;

(b) Two representatives of local units of government; and

(c) Two representatives from the general public.

(d) A member of the council is not entitled to a salary for duties performed as a member of the council, except that the members, other than public officers, shall receive the per diem authorized for legislators, and each member is entitled to reimbursement for travel and other necessary expenses incurred in the performance of official duties.

Section 8. Section 218.38, Florida Statutes, is created to read:

218.38 Notice of bond issues required; verification.—

(1) Each unit of local government authorized by law to issue general obligation bonds or revenue bonds shall furnish the Division of Bond Finance of the Department of General Services a complete description of all outstanding and new bond issues, and shall also give prior notice of all proposed new bond issues in such form and at such times as the division specifies. Failure to submit prior notice of a proposed new bond issue shall not affect the validity of the bond issue.

(2) Each unit of local government authorized by law to issue general obligation bonds or revenue bonds shall, on dates established by the Division of Bond Finance of the Department of General Services, verify the information held by the division relating to the bonded obligations of the unit of local government.

(3) If a unit of local government fails to verify pursuant to subsection (2) the information held by the division, or fails to provide a complete description of all outstanding and new bond issues pursuant to subsection (1), the division shall notify the Legislative Auditing Committee of such failure to comply. Following receipt of such notification of failure to comply with these provisions the Legislative Auditing Committee may notify the Department of Revenue and the Department of Banking and Finance that such unit of local government has not complied with this section. Upon notification the departments shall withhold any funds payable to such unit of local government until such verification is received by the division. If a unit of local government fails to furnish such verification or fails to issue a description of its bonds, and if the unit of local government is not a county and no funds are available for the state to withhold from such unit of local government, the division shall report such failure to the Legislative Auditing Committee. Upon receipt of such report, the Legislative Auditing Committee shall prepare a local bill to dissolve the unit of local government, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and the Speaker of the House of Representatives for introduction.

Section 9. Part V of chapter 218, Florida Statutes, consisting of sections 218.50, 218.501, 218.502, 218.503, 218.504, and 218.505, is created to read:

PART V

LOCAL GOVERNMENT FINANCIAL EMERGENCIES ACT

218.50 Short title.—This part shall be known as the "Local Government Financial Emergencies Act."

218.501 Purpose.—The purpose of this act is:

(1) To preserve and protect the fiscal solvency of units of local government.

(2) To assist local governmental units in providing their essential services without interruption, and in meeting their financial obligations.

(3) To assist units of local government through the improvement of local financial management procedures.

218.502 Definition.—As used in this part, except where the context clearly indicates a different meaning, "unit of local government" means a county, municipality, or special district.

218.503 Determination of financial emergency.—

(1) A unit of local government shall be in a state of financial emergency when any of the following conditions occur:

(a) Failure within the same fiscal year in which due to pay short-term loans from banks, or failure to make bond debt service payments when due.

(b) Failure to transfer at the appropriate time, due to lack of funds:

1. Taxes withheld on the income of employees; or
2. Employer and employee contributions for:
 - a. Federal Social Security; or
 - b. Any pension, retirement, or benefit plan of an employee.
- (c) Failure for one pay period to pay, due to lack of funds:
1. Wages and salaries owed to employees; or

2. Retirement benefits owed to former employees.

(d) Budget deficits in two consecutive fiscal years.

(e) Material deviations from established accounting and auditing standards.

(f) Serious actuarial problems with a pension fund.

(g) Likelihood that the financial problems of a governmental body will adversely affect other local governments or the state.

(2) Upon determination by the Governor or the Legislative Auditing Committee that one or more of the above conditions has occurred, or will occur if action is not taken to assist the unit of local government, the Governor may implement measures to resolve the financial emergency. Such measures may include, but shall not be limited to:

(a) Requiring approval of the local unit's budget by the Governor.

(b) Authorizing a state loan to the unit of local government and providing for repayment of same.

(c) Prohibiting a unit of local government from issuing bonds, notes, certificates of indebtedness, or any other form of debt until such time as it is no longer subject to this section.

(d) Making inspections and reviews of records, information, reports, and assets of the unit of local government, in which inspections and reviews the appropriate local officials shall cooperate.

(e) Establishing a financial emergencies board to oversee the activities of the local government. The board, if established, shall be appointed by the Governor. The Governor shall select a chairman and such other officers as are necessary. The board shall adopt such rules as are necessary for conducting board business. The board shall have:

1. Authority to make such reviews of records, reports, and assets of the local government as needed.

2. Authority to consult with the officials of the unit of local government and appropriate state officials regarding any necessary steps to bring the books of account, accounting systems, financial procedures, and reports of the local government into compliance with state requirements.

3. Authority to review the operations, management, efficiency, productivity, and financing of functions and operations of the unit of local government.

The recommendations and reports made by the board shall be submitted to the Governor for appropriate action.

(f) Requiring and approving a plan, to be prepared by the Financial Emergency Board in conjunction with the unit of local government, prescribing actions that will cause the local unit to no longer be subject to this section. Such plan shall include, but not be limited to:

1. Providing for payment in full of all payments due or to come due on debt obligations, pension payments, all payments and charges imposed or mandated by federal or state law, and for all judgments and past due accounts, as priority items of expenditures.

2. A basis of priority budgeting or zero based budgeting, resulting in the elimination of the lowest priority items which are not affordable.

3. A prohibition on a level of operations which can be sustained only with nonrecurring revenues.

(g) During the financial emergency period, the local governmental unit may not seek application of laws under the bankruptcy provisions of the United States Constitution except upon the prior approval of the Governor.

218.504 Cessation of state action.—The Governor shall have the authority to terminate all state actions pursuant to this part. Cessation of state action shall not occur until the Governor has determined that the unit of local government:

(1) Has established and is operating an effective financial accounting and reporting system.

(2) Has corrected or eliminated the fiscal emergency conditions outlined in s. 218.503.

(3) No new fiscal emergency conditions exist.

218.505 Authorization for study of fiscal indicators.—The Florida Advisory Council on Intergovernmental Relations shall study specific indicators which may predict potential financial emergencies. Indicators to be studied may include but shall not be limited to:

- (1) Per capita debt;
- (2) Ratio of debt to per capita income;
- (3) Property tax collection rate;
- (4) Ratio of debt to property valuation;
- (5) Ratio of debt to revenues/expenditures;
- (6) Ratio of debt service to revenue;
- (7) Trend analysis of:
 - (a) Population and income; and
 - (b) Property valuations.
- (8) Ratio of pension costs to total personnel costs.

The council shall file a report of its findings and recommendations with the Governor and Legislature by March 1, 1980.

Section 10. (1) Prior to January 1, 1980, or no later than 1 year after its creation, whichever date is later, each special district shall file, with the clerk of the governing body of each county in which the special district is located and with the Auditor General, a copy of the document, together with any amendments thereto, which created the special district. Any subsequent amendment to such document shall be filed in the same manner within 30 days after the adoption of such amendment. For purposes of this section, the term "special district" means a local unit of special government, except a school district or a community college district, created pursuant to law for the purpose of performing prescribed specialized functions, which functions may include urban service functions, within limited boundaries.

(2) If a special district fails to file any document required by subsection (1), the clerk of the governing body of the county or the Auditor General shall notify the Department of Revenue and the Department of Banking and Finance that such special district has not complied with subsection (1). The state shall withhold any funds payable to such special district until such document has been filed. If a special district fails to file any document required by subsection (1), and if no funds are available for the state to withhold from such special district, the clerk of the governing body of the county or the Auditor General shall report such failure to the Legislative Auditing Committee. Upon receipt of such report the Legislative Auditing Committee shall prepare a local bill to dissolve the special district, making provision for the disposition of its assets and the protection of its creditors, publish in the manner prescribed by general law notice of intention to seek enactment of such bill, and deliver such bill to the President of the Senate and the Speaker of the House of Representatives for introduction.

Section 11. Subsection (3) is added to section 75.05, Florida Statutes, to read:

75.05 Order and service.—

(3) *In the case of independent special districts as defined in s. 218.31(7), a copy of the complaint shall be served on the Department of Banking and Finance.*

Section 12. Subsection (1) of section 121.135, Florida Statutes, is hereby repealed.

Section 13. This act shall take effect September 1, 1979.

Amendment 2—Strike everything before the enacting clause and insert: A bill to be entitled An act relating to the review and management of government finances; amending s. 11.45 (3)(a), Florida Statutes, and adding s. 11.45(3)(d), Florida Statutes; authorizing the Auditor General to make postaudits and performance audits of certain governmental entities; requiring an independent postaudit of certain governmental entities of local government; requiring that such independent postaudit be filed with the Auditor General; requiring the Auditor General to review independent audits; prescribing sanctions for failure to file; requiring the Auditor General to

make performance audits of the local government financial reporting system; amending s. 112.63, Florida Statutes, 1978 Supplement; prescribing standards for actuarial review of public retirement systems and plans; requiring certain retirement systems or plans to maintain certain information; prohibiting changes in benefits under a local retirement system without a hearing and statement of actuarial impact; requiring actuarial reviews and statements of actuarial impact to be filed with the Division of Retirement of the Department of Administration; authorizing the division under certain circumstances to perform such review or prepare such statement at the expense of the governmental entity of which the employees are covered by the system or plan; creating s. 112.665, Florida Statutes; prescribing duties of the Division of Retirement of the Department of Administration with respect to public employee retirement systems and plans; amending s. 165.091, Florida Statutes; requiring the Department of Community Affairs to study the fiscal conditions of units of local government; deleting certain powers and duties of the department; prescribing standards for the census of local government; amending s. 218.32(1), (2), Florida Statutes; requiring units of local government to file certain financial information and financial reports; prescribing sanctions for failure to file required reports; requiring the Department of Banking and Finance to file a report on local government finances; creating s. 218.37, Florida Statutes; prescribing duties of the Division of Bond Finance of the Department of General Services with respect to bonds of units of local government; providing for the creation of a Bond Advisory Council to assist the division; creating s. 218.38, Florida Statutes; requiring units of local government to provide certain information to the division; prescribing sanctions for failure to provide such information; creating Part V, chapter 218, Florida Statutes; providing criteria for the Governor to declare a unit of local government to be in a state of financial emergency; authorizing the Governor to take certain actions to resolve the emergency; providing for the termination of the emergency measures; authorizing the Florida Advisory Council on Intergovernmental Relations to study fiscal indicators; adding s. 75.05(3), Florida Statutes; requiring a copy of complaints be served on the Department of Banking and Finance; requiring special districts to file certain documents with the clerk of the governing body of each county in which the district is located and with the Auditor General; prescribing sanctions for failure to file such documents; repealing s. 121.135(1), Florida Statutes, relating to a survey of local retirement systems; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1046 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Gorman | McKnight | Thomas |
| Anderson | Grizzle | Neal | Tobiasen |
| Barron | Hair | Peterson | Trask |
| Carlucci | Henderson | Poole | Vogt |
| Chamberlin | Hill | Scarborough | Ware |
| Childers, D. | Jenne | Scott | Williamson |
| Childers, W. D. | Johnston | Skinner | Winn |
| Dunn | MacKay | Spicola | |
| Fechtel | Maxwell | Steinberg | |
| Frank | McClain | Stuart | |

Nays—None

Votes after roll call:

Yea—Myers

Yea to Nay—Skinner

CS for SB 592 was laid on the table.

By the Committee on Transportation and Senators Spicola, Peterson and Neal, CS for SB's 139 & 202 was read the first time by title and Senate Bills 139 and 202 were laid on the table.

CS for SB's 139 and 202 was taken up and on motion by Senator Peterson, the rules were waived and by two-thirds vote

CS for HB's 232, 361 and 393 was withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Peterson—

CS for HB's 232, 361 and 393—A bill to be entitled An act relating to motor vehicles; amending ss. 316.1955(1), (2), (4) and (6) and 316.1956, Florida Statutes, requiring governmental agencies and nongovernmental entities to provide parking spaces for certain disabled persons; providing standards for such parking spaces; prescribing the persons and vehicles which may use such parking spaces; prohibiting the unauthorized use of such parking spaces; providing a penalty; providing for enforcement by parking enforcement specialists; amending s. 316.1964, Florida Statutes, exempting certain vehicles transporting disabled persons from certain parking penalties and fees; deleting current procedures; amending s. 318.141(1), Florida Statutes, providing for the enforcement of parking infractions; amending s. 320.0842(5) and (6), Florida Statutes, prescribing that no fee shall be exacted from or no penalty shall be imposed upon certain persons parking on a public street or highway; amending s. 320.0843(1) and (2), Florida Statutes, authorizing the Department of Highway Safety and Motor Vehicles to issue the internationally accepted wheelchair plate for certain vehicles owned or leased by a person confined to a wheelchair; creating s. 320.0844, Florida Statutes, providing certain handicapped persons with exemption entitlement parking permits; repealing s. 316.1955(5), Florida Statutes, relating to the requirement that the state building code and county and municipal building codes include certain provisions for parking spaces; repealing s. 320.0806, Florida Statutes, relating to "HP" license plates; providing an effective date.

—a companion measure, was substituted for CS for SB's 139 and 202 and read the second time by title.

Senator Peterson moved the following amendment:

Amendment 1—On page 2, line 9, strike everything after the enacting clause and insert: Section 1. Subsections (1), (2), (4), and (6) of section 316.1955, Florida Statutes, are amended to read:

316.1955 Parking spaces provided by governmental agencies for certain disabled persons.—

(1) Each state agency and political subdivision having jurisdiction over street parking or publicly owned and operated parking facilities shall provide a minimum number of specially designed and marked motor vehicle parking spaces for the exclusive use of those severely physically disabled individuals with permanent mobility problems which substantially impair their ability to ambulate who have been issued an exemption entitlement parking permit pursuant to s. 320.0844, as certified in s. 316.1964, and those persons eligible under ss. 320.0842, 320.084, and 320.0843 for license plates bearing the designation HP, DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol. Each such individual or person shall park in the appropriately marked parking space.

(2) The following minimum number of such parking spaces shall be provided:

(a) One space in the immediate vicinity of a building which houses a governmental entity or a political subdivision maintained and operated with public funds and intended for use by the public, including, but not limited to, state office buildings and, courthouses, if no parking for the public is provided on the premises of such buildings rehabilitation centers, and hospitals, one space each for motor vehicles with license plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), and the internationally accepted wheelchair symbol; however, a minimum of four spaces shall be provided at physical restoration rehabilitation centers;

(b) One space for each 150 300 metered on-street and publicly maintained and operated parking lot spaces, one space each for motor vehicles with license plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), and the internationally accepted wheelchair symbol; and

(c) For publicly maintained and operated parking facilities intended for public use and not subject to paragraph

(a), one parking space for disabled persons for the first 20 parking spaces or fraction thereof, one additional parking space for disabled persons for the next 80 parking spaces or fraction thereof, one additional parking space for disabled persons for each 100 parking spaces or fraction thereof after the first 100 parking spaces, up to a total of 1,000 parking spaces, and one additional parking space for disabled persons for each 500 parking spaces or fraction thereof after the first 1,000 parking spaces. A minimum of four parking spaces for disabled persons shall be provided at physical restoration rehabilitation centers and hospitals buildings maintained and operated by licensed business establishments conducting business with the general public and to which the general public is invited, such number of spaces as is prescribed in the Standard Building Code.

(4) Each such parking space shall be prominently outlined with a color of paint and posted with a fixed, nonmovable sign of a color and design approved by the Department of Transportation, bearing with the symbol HP or the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY" on the sign.

(6) It is unlawful a violation of this act for any person other than those authorized in this section or in s. 316.1964, s. 320.0842, s. 320.084, or s. 320.0843 to stop, stand, or park a motor vehicle within any such specially designated and marked parking space spaces provided in accordance with this section, unless such vehicle displays a parking permit issued pursuant to s. 320.0844 and such vehicle is transporting a person eligible for the parking permit act. Whenever a law enforcement officer or a parking enforcement specialist finds a vehicle in violation of this subsection violating these provisions, that officer shall:

(a) Have the vehicle in violation removed to any lawful parking space or facility or require the operator or other person in charge of the motor vehicle immediately to remove the unauthorized motor vehicle from the parking space. Whenever any motor vehicle is removed by a law enforcement officer, parking enforcement specialist, or agency to a storage lot, garage, or other safe parking space, the cost of such removal and parking shall be a lien against the motor vehicle.

(b) Charge the operator or other person in charge of the unauthorized motor vehicle in violation with a noncriminal traffic infraction, punishable as provided in s. 318.18(2). However, any person who is chauffeuring a disabled person or a disabled person confined to a wheelchair shall be allowed, without need for an identification parking permit sticker, momentary parking in any such parking space on the public streets or highways, or in any metered parking space, for the purpose of loading or unloading such disabled person. No penalty shall be imposed upon the driver for such momentary parking.

Section 2. Section 316.1956, Florida Statutes, is amended to read:

316.1956 Nonpublic Parking spaces provided by nongovernmental entities for certain disabled persons.—

(1) Any business, firm, or other person licensed to do business with the public prior to October 1, 1977, may provide specially designed and marked motor vehicle parking spaces for the exclusive use of physically disabled persons who have been issued parking permits stickers for their motor vehicles pursuant to s. 320.0844 the provisions of s. 316.1964 or who have been issued license plates pursuant to s. 320.0842, s. 320.084, or s. 320.0843. The minimum number of such parking spaces shall be as provided in s. 316.1955(2)(c).

(2) Each such parking space shall conform to the requirements of s. 316.1955(3), and shall be posted with a sign of a color and design approved by the Department of Transportation, with lettering such as "PARKING FOR WHEELCHAIR DISABLED ONLY" and bearing the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY".

(3) Any person, except a person who meets the requirements for the issuance of such sticker or license plate, who parks a vehicle in any parking space designated with the symbol HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(2)), or the internationally accepted wheelchair symbol and the caption "PARKING BY DISABLED PERMIT ONLY" is guilty of a

traffic infraction, punishable as provided in s. 318.18(2), unless such vehicle displays a parking permit issued pursuant to s. 320.0844 and such vehicle is transporting a person eligible for such parking permit. However, any person who is chauffeuring a disabled person or a disabled person confined to a wheelchair shall be allowed, without need for an identification parking permit sticker, momentary parking in any such parking space for the purpose of loading or unloading such a disabled person. No penalty shall be imposed upon the driver for such momentary parking.

(4) Any law enforcement officer or parking enforcement specialist shall enforce the provisions of subsection (3).

Section 3. Section 316.1964, Florida Statutes, is amended to read:

316.1964 Disabled persons; Exemption of vehicles transporting certain disabled persons from payment of parking fees and penalties; issuance of identification stickers.—

(1) No state agency, or county, municipality city, or town, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from the driver of a vehicle which displays a parking permit issued pursuant to s. 320.0844 or a license plate issued pursuant to s. 320.084 or s. 320.0842 if such vehicle is transporting a person eligible for such parking permit or license plate; nor shall the driver of such a vehicle transporting such a person be penalized for parking except in clearly defined bus loading zones, fire zones, or in areas posted as "No Parking" zones. any person who:

(a) Is currently certified by one licensed physician under chapter 458 or chapter 459, the Social Security Administration, or the Veterans Administration as a severely physically disabled individual with permanent mobility problems which substantially impair his or her ability to ambulate;

(b) Is licensed to operate a motor vehicle in this state with license plates imprinted with the designation HP (handicapped person), DV (disabled veteran who displays the proper sticker as provided in s. 316.1964(3)), or the internationally accepted wheelchair symbol; and

(c) Displays the proper sticker as provided in subsection (2).

(2) Upon the application of any such disabled person, the tax collector of the county in which the disabled person applies for his or her automobile license plate shall issue to such person a certificate showing that the disabled person is entitled to the immunities provided in this section and a sticker reflecting the disability, which sticker shall be displayed upon the lower left-hand portion of the rear window of the motor vehicle of such disabled person.

(3) The department is authorized and empowered to make any necessary rules to carry out the purposes of this section and to provide the necessary procedures for assuring that all applicants meet the qualifications prescribed in this section.

(4) The department shall prescribe the form of the application and certificate and the design of a distinctive identifying sticker and shall supply such applications, certificates, and stickers to the tax collectors of the several counties.

(5) The department shall prescribe the fee to be paid by the applicant for the certificate and sticker, but the fee shall not exceed 50 cents. The department shall, in its discretion, determine at what intervals the certificate and sticker shall be renewed.

(6) The fee, as set by the department, shall be collected by the tax collectors of the several counties from the applicants at the time the certificates and stickers are issued, and all such fees so collected shall be paid over to the department and be used to defray the expenses of carrying out the purposes of this section.

(7) Fraudulently obtaining or unlawfully using stickers provided for by this section, or using a replica of such sticker with the intent to deceive, shall be punishable as provided in s. 318.18(2).

Section 4. Subsection (1) of section 318.141, Florida Statutes, is amended to read:

318.141 Enforcement; traffic infraction enforcement officer.—

(1) Any sheriff's department or police department of a chartered municipality may employ, as a traffic infraction enforcement officer, any individual who successfully completes at least 200 hours of instruction in traffic enforcement procedures and court presentation through the Selective Traffic Enforcement Program as approved by the Division of Standards and Training of the Department of Criminal Law Enforcement, or through a similar program, but who does not necessarily otherwise meet the uniform minimum standards established by the Police Standards and Training Commission for police officers or auxiliary police officers under s. 943.13. Any such traffic infraction enforcement officer who observes the commission of a traffic infraction or, in the case of a parking infraction, who observes an illegally parked vehicle, may issue a traffic citation for such infraction when, based upon personal investigation, he has reasonable and probable grounds to believe that an offense has been committed in violation of noncriminal traffic infractions as defined in s. 318.14.

Section 5. Subsections (5) and (6) of section 320.0842, Florida Statutes, are amended to read:

320.0842 Free motor vehicle license plates to veterans confined to wheelchairs.—

(5) No county, city or town, or any agency thereof, shall exact any fee for parking on the public streets or highways or in any metered parking space from any person who is issued a designated "DV" license plate or the internationally accepted wheelchair symbol license plate, and who is licensed to operate a motor vehicle in this state.

(6) No penalty for parking on the streets or highways or in a metered space, except in clearly defined bus loading zones or areas posted as "NO PARKING" zones, shall be imposed upon any person who is issued a designated "DV" license plate or the internationally accepted wheelchair symbol license plate, and who is licensed to operate a motor vehicle in this state.

Section 6. Subsections (1) and (2) of section 320.0843, Florida Statutes, are amended to read:

320.0843 License plates for wheelchair users.—

(1) Beginning with the 1974 license tag year, Any owner or lessee of a motor vehicle who resides in is a resident of, and who is licensed to operate a motor vehicle in, this state and is permanently confined to a wheelchair, upon application to the department accompanied by competent and appropriate proof of disability, and upon payment of the registration fee for motor vehicles registered under for private use as provided in s. 320.08(2), (3)(a), (b), or (c), or (f), (6)(a), or (9)(c) or (d), shall be issued a license plate as provided by s. 320.06 which, in lieu of the serial number prescribed by s. 320.06, shall be stamped with the international wheelchair user symbol after the serial number of the license plate.

(2) The department shall make such rules and regulations as necessary to ascertain compliance with all state license laws relating to use and operation of a motor vehicle for private use before issuing tags pursuant to this section in lieu of the regular Florida license plate, and all applications for such tags shall be made to the department.

Section 7. Section 320.0844, Florida Statutes, is created to read:

320.0844 Handicapped persons; issuance of exemption entitlement parking permits.—

(1) The Department of Highway Safety and Motor Vehicles shall, upon application, issue an exemption entitlement parking permit indicating that the bearer has met the requirements of this section to any handicapped Florida resident who is currently certified, by a physician licensed under chapters 458 or 459, the Social Security Administration, or the Veterans Administration, as being severely physically disabled and having permanent mobility problems which substantially impair his ability to ambulate or who is certified as legally blind. The metal parking permit shall have the two words "PARKING PERMIT" across the upper portion and a sequential audit number across the lower portion. The parking permit shall be affixed to the lower left corner of the Florida license plate of any vehicle used to transport the applicant and may be transferred from one vehicle to another. The department may issue one additional exemption entitlement parking permit to any applicant who demonstrates that an additional permit is needed.

(2) The department may adopt rules necessary to carry out this section and to provide the procedures for assuring that all applicants meet the qualifications prescribed in this section.

(3) The department shall prescribe the form of the application and supply it to all authorized license plate agencies.

(4) The department shall prescribe the fee to be paid by the applicant for the parking permit not to exceed 50 cents. All such fees shall be used by the department to defray the expenses of administering this section.

(5) Any person who fraudulently obtains or unlawfully uses such parking permit or who uses an unauthorized replica of such parking permit with the intent to deceive is guilty of a nonmoving traffic violation, punishable as provided in s. 318.18(2).

Section 8. Section 320.0806, and subsection (5) of section 316.1955, Florida Statutes, are hereby repealed.

Section 9. This act shall take effect January 1, 1980.

Senators MacKay and Chamberlin offered the following amendment to Amendment 1 which was moved by Senator MacKay and failed:

Amendment 1A—On page 4, line 19, strike "may" and insert: shall

Amendment 1 was adopted.

Senator Trask presiding

Senator Peterson moved the following amendment which was adopted:

Amendment 2—On page 1 in title, line 1, strike everything before the enacting clause and insert: An act relating to motor vehicles; amending s. 316.1955(1), (2), (4), (6), Florida Statutes; requiring governmental agencies to provide parking spaces for disabled persons; providing standards for such parking spaces; prescribing the persons and vehicles which may use such parking spaces; prohibiting the unauthorized use of such parking spaces; providing a penalty; providing for enforcement; amending s. 316.1956, Florida Statutes; providing standards for such parking spaces; prescribing the persons and vehicles which may use such parking spaces; prohibiting the unauthorized use of such parking spaces; providing a penalty; providing for enforcement; amending s. 316.1964, Florida Statutes; exempting certain vehicles transporting disabled persons from certain parking penalties and fees; amending s. 318.141(1), Florida Statutes; prescribing circumstances when a traffic infraction enforcement officer may issue citations; amending s. 320.0842(5), (6), Florida Statutes; deleting requirement that applicant be a licensed driver; amending s. 320.0843(1), (2), Florida Statutes; prescribing persons who qualify for wheelchair user plates; creating s. 320.0844, Florida Statutes; requiring the Department of Highway Safety and Motor Vehicles to issue an exemption entitlement parking permit to certain disabled persons; authorizing the department to adopt rules and forms and to prescribe fees; prohibiting a person from fraudulently obtaining or unlawfully using such parking permit or using a replica thereof; providing a penalty; repealing s. 320.0806, Florida Statutes, relating to "HP" license plates; repealing s. 316.1955(5), Florida Statutes, relating to incorporation of parking space provisions in building codes; providing an effective date.

On motion by Senator Peterson, by two-thirds vote CS for HB's 232, 361 and 393 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|---------|----------|-------------|
| Anderson | Fecht | Holloway | Peterson |
| Barron | Frank | Jenne | Scarborough |
| Carlucci | Gordon | Johnston | Scott |
| Chamberlin | Gorman | MacKay | Skinner |
| Childers, D. | Grizzle | Maxwell | Spicola |
| Childers, W. D. | Hair | McKnight | Steinberg |
| Dunn | Hill | Neal | Stuart |

| | | | |
|-----------|-------|------------|------|
| Thomas | Trask | Ware | Winn |
| Tobiassen | Vogt | Williamson | |

Nays—None

Votes after roll call:

Yea—McClain, Myers

CS for SB's 139 and 202 was laid on the table.

SB 150—A bill to be entitled An act relating to public lands; amending s. 195.072, Florida Statutes; requiring the Department of Revenue to furnish data and assistance to the Board of Trustees of the Internal Improvement Trust Fund with respect to the inventory of state-owned lands; adding s. 195.073(4), Florida Statutes; requiring property appraisers to furnish the Department of Revenue with certain data concerning public lands; providing an effective date.

—was read the second time by title.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Vogt and adopted:

Amendment 1—On pages 1 and 2, line 28, strike all of Section 2 and insert: Section 2. Subsection (3) is added to section 195.084, Florida Statutes, to read:

195.084 Information exchange.—

(3) The department shall, prior to December 31 each year, provide to the Board of Trustees of the Internal Improvement Trust Fund a complete computer file list of all public lands as contained within the current property appraisers' real property assessment rolls. This file will include complete reported data for each parcel.

The Committee on Natural Resources and Conservation offered the following amendment which was moved by Senator Vogt:

Amendment 2—On page 1 in title, line 8, strike "195.073(4)" and insert: 195.084(3)

Senator Vogt moved the following substitute amendment for Amendment 2 which was adopted:

Amendment 3—On page 1 in title, strike lines 8-10 and insert: 195.084(3), Florida Statutes; requiring the Department of Revenue to provide the Board of Trustees of the Internal Improvement Trust Fund with certain data concerning public

On motion by Senator Vogt, by two-thirds vote SB 150 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

| | | | |
|--------------|----------|-----------|------------|
| Anderson | Grizzle | McKnight | Tobiassen |
| Barron | Hair | Neal | Trask |
| Carlucci | Hill | Peterson | Vogt |
| Chamberlin | Holloway | Poole | Ware |
| Childers, D. | Jenne | Scott | Williamson |
| Dunn | Johnston | Spicola | Winn |
| Fecht | MacKay | Steinberg | |
| Frank | Maxwell | Stuart | |
| Gorman | McClain | Thomas | |

Nays—None

Vote after roll call:

Yea—Myers

SB 176—A bill to be entitled An act relating to the tax on sales and other transactions; amending s. 212.02(16), Florida Statutes, 1978 Supplement; correcting a reference to a provision of the U. S. Internal Revenue Code; providing an effective date.

—was read the second time by title. On motion by Senator Steinberg, by two-thirds vote SB 176 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Grizzle | McKnight | Stuart |
| Barron | Hair | Neal | Thomas |
| Carlucci | Hill | Peterson | Tobiasen |
| Childers, D | Holloway | Poole | Trask |
| Childers, W. D. | Jenne | Scarborough | Vogt |
| Dunn | Johnston | Scott | Ware |
| Fechtcl | MacKay | Skinner | Williamson |
| Frank | Maxwell | Spicola | Winn |
| Gorman | McClain | Steinberg | |

Nays—1

Chamberlin

Vote after roll call:

Yea—Myers

SB 289—A bill to be entitled An act relating to the Florida Commercial Feed Law; amending s. 580.031(9), (14), (15), Florida Statutes; modifying definitions; adding s. 580.031(18), Florida Statutes; defining "feedstuff"; amending ss. 580.071, 580.081, 580.091(1), (4), (5), 580.111, 580.112(1)-(3), (5), 580.121(1), 580.131(5), Florida Statutes, s. 580.101, Florida Statutes, 1978 Supplement; authorizing rules relating to "feedstuff"; applying distribution, branding, sampling, inspection, adulteration provisions relative to commercial feeds to feedstuffs; authorizing confiscation and condemnation of certain feedstuffs; authorizing the enforcement of a stop-sale, stop-use, removal, or hold order against a possessor of commercial feeds or feedstuffs; prohibiting certain acts; providing penalties; increasing minimum amount of consumers' damages; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendments which were moved by Senator Skinner and adopted:

Amendment 1—On pages 1-8, line 25, strike everything after the enacting clause and insert: Section 1. Subsections (2), (3), (8), (9), (11), (14), (15), and (17) of section 580.031, Florida Statutes, are amended, subsection (7) of said section is repealed, and subsection (18) is added to said section to read:

580.031 Definition of words and terms.—When used in this chapter the following terms shall have the meaning ascribed to them:

(2) "Distribute" means to offer for sale, sell, barter or exchange commercial feed or feedstuffs, or to supply, furnish or otherwise provide commercial feed or feedstuffs for use in the state.

(3) "Distributor" means any person who distributes commercial feed or feedstuffs.

(8) "Brand name" or "product name" means the term, design, or trademark or any other specific designation under which a commercial feed or feedstuff is distributed.

(9) "Label" means a display of written, printed or graphic matter upon or affixed to the container in which a product commercial feed is distributed, or on the invoice accompanying the product commercial feed.

(11) The term "advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of commercial feed or feedstuffs.

(14) "Official sample" means any sample of commercial feed or feedstuff taken by the department or its authorized agent and designated as official by the department.

(15) "Special sample" means any sample of commercial feed or feedstuff taken by the department or its authorized agent which is not an "official sample."

(17) Except as provided by law or regulation, all terms used in connection with commercial feed or feedstuffs shall have the meaning ascribed to them by the Association of American Feed Control officials.

(18) "Feedstuff" means edible materials which are distributed for animal consumption and which contribute energy or nutrients, or both, to an animal diet.

Section 2. Section 580.071, Florida Statutes, is amended to read:

580.071 Adulteration.—No person shall distribute an adulterated commercial feed or feedstuff. A commercial feed or feedstuff shall be deemed to be adulterated:

(1) If it contains any poisonous, deleterious, or nonnutritive ingredient in sufficient amount to render it injurious to the health of the animal fed or to man using food produced by animals being fed in accordance with directions for use on the label.

(2) If any valuable constituent has been in whole or in part omitted or abstracted therefrom or any less valuable substance substituted therefor.

(3) If its composition or quality falls below or differs from that which it is purported or is represented to possess by its labeling.

(4) If it contains added hulls, screenings, straw, cobs or other high fiber material unless the name of each such material is stated on the label.

(5) If it contains a pesticide chemical, chemical additive or drug in an amount in excess of the permissible tolerances established by the department.

Section 3. Section 580.081, Florida Statutes, is amended to read:

580.081 Misbranding.—No person shall distribute misbranded commercial feed or feedstuffs. A commercial feed or feedstuff shall be deemed to be misbranded:

(1) If its labeling is false or misleading in any particular.

(2) If it is distributed under the name of another commercial feed or feedstuff.

(3) If it is not labeled as required in s. 580.051 and in regulations prescribed under this chapter.

(4) If it purports to be, or is represented as, a commercial feed or feedstuff for which a definition of identity and standard of quality has been prescribed by regulation unless it conforms to such definition and standard.

(5) If any word, statement, or other information required by or under authority of this chapter to appear on the label or labeling is not prominently placed thereon with such conspicuousness as compared with other words, statements, designs, or devices in the labeling, and in such terms as to render it likely to be read and understood by the ordinary individual under customary conditions of purchase and use.

Section 4. Subsections (1), (4), and (5) of section 580.091, Florida Statutes, are amended to read:

580.091 Inspection; sampling; analysis.—

(1) It shall be the duty of the department, which may act through its authorized agent, to sample and inspect commercial feeds and feedstuffs distributed within this state at such time and place to such an extent as it may deem necessary to determine whether such commercial feeds or feedstuffs are in compliance with the applicable provisions of this chapter. The department, through its agent, is authorized to enter upon any public or business premises and in any vehicle of transport during regular business hours in order to have access to commercial feeds or feedstuffs and records relating to their transportation and sale, subject to the applicable provisions of this chapter and the rules and regulations pertaining thereto.

(4) The department, in determining for administrative purposes whether a sample of commercial feed or feedstuff is in compliance with the applicable provisions of this chapter deficient in any component, shall be guided solely by the official sample as defined in s. 580.031(14) and obtained and analyzed as provided for in subsections (1), and (2), and (3).

(5) When the inspection and analysis of an official sample indicate a commercial feed or feedstuff has been adulterated

or misbranded, the results of analysis shall be forwarded by the department to the guarantor and the purchaser. On request, within 30 days from the date of report, the department shall furnish to the guarantor a portion of the sample concerned for check analysis. If requested by the guarantor within 60 days from the date of report, the department shall forward other portions of said sample to two referee chemists agreed upon by the department and the guarantor. The analysis fees of the referee chemists shall be paid by the guarantor. The average of analyses reported by the department and the two referee chemists shall become the official analysis.

Section 5. Section 580.101, Florida Statutes, 1978 Supplement, is amended to read:

580.101 Rules; standards, definitions.—The department is authorized to adopt and promulgate such reasonable rules as, in its judgment, shall be necessary or helpful in the efficient enforcement of this chapter, and the department is authorized specifically to adopt rules establishing definitions and reasonable standards for commercial feeds or feedstuffs and permissible tolerances for pesticide chemicals, chemical additives, or drugs in or on commercial feeds or feedstuffs feed in such amount as will insure the safety of livestock and poultry and the products thereof used for human consumption and to adopt by reference the regulations of the Federal Food and Drug Administration that relate to the manufacture and distribution of medicated feeds.

Section 6. Section 580.111, Florida Statutes, is amended to read:

580.111 Detained commercial feeds and feedstuffs.—

(1) STOP-SALE, STOP-USE, REMOVAL OR HOLD ORDERS.—When the department has reasonable cause to believe any lot of commercial feed or feedstuff is being distributed in violation of any of the applicable provisions of this chapter or of any of the prescribed regulations under this chapter, it may issue and enforce a written or printed stop-sale, stop-use, removal or hold order warning the possessor distributor not to dispose of the commercial feed or feedstuff in any manner until written permission is given by the department or a court of competent jurisdiction. The department shall release the commercial feed or feedstuff so withdrawn when the provisions and regulations have been complied with and all costs and expenses incurred in the withdrawal have been paid; provided that with the permission of the department any lot of commercial feed or feedstuff under said stop-sale, stop-use, removal or hold order for reason of being "below guarantee" may be sold as such to a consumer who shall sign a statement professing that he, the consumer, had knowledge of the same at the time of purchase. If compliance is not obtained within a reasonable time, the department shall begin proceedings for condemnation.

(2) CONDEMNATION AND CONFISCATION.—Any lot of commercial feed or feedstuff not in compliance with the applicable provisions of this chapter, or regulations hereunder, shall be subject to seizure on complaint of the department to the circuit judge or circuit court of the circuit in which said commercial feed or feedstuff is located. In the event the court finds the said commercial feed or feedstuff to be in violation of the applicable provisions of this chapter, or regulations hereunder, and orders the condemnation of said commercial feed or feedstuff, it shall be disposed of in the manner provided by said circuit judge or circuit court in the said order of condemnation; provided, that in no instance shall the disposition of said commercial feed or feedstuff be ordered by the court without first giving the claimant an opportunity to apply to the court for release of said commercial feed or feedstuff or for permission to process or relabel said commercial feed or feedstuff to bring it into compliance with the applicable provisions of this chapter.

Section 7. Subsections (1), (2), (3), (5), and (9) of section 580.112, Florida Statutes, are amended to read:

580.112 Certain acts prohibited.—The following acts, or the causing thereof knowingly, within the state are prohibited:

(1) The distribution of any commercial feed or feedstuff that is adulterated or misbranded.

(2) The adulteration or misbranding of any commercial feed or feedstuff.

(3) The dissemination of any false advertisement or any other false advertising matter or material with reference to the distribution of any commercial feed or feedstuff.

(5) The removal or disposal of a detained or "stop-saled" lot of commercial feed or feedstuff pursuant to s. 580.111.

(9) The using or placing of fasteners which may be injurious to animals on any commercial feed or feedstuff, or bags of any commercial feed or feedstuff, except ~~excepting~~ only those distributed exclusively for poultry.

Section 8. Subsection (1) of section 580.121, Florida Statutes, is amended to read:

580.121 Penalties; duties of law enforcement officers.—

(1) Any person violating any of the provisions of this chapter, or the rules and regulations issued hereunder, or who shall impede, obstruct, hinder, or otherwise prevent or attempt to prevent said department in the performance of its duty in connection with the provisions of this chapter, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. In all prosecutions under this chapter involving the composition of a lot of commercial feed or feedstuff, a certified copy of the official analysis signed by the authorized agent of the department shall be accepted by the court as prima facie evidence of the composition. Each state or county law enforcement officer shall make arrests for violations of this chapter or of any rule, regulation or order promulgated or issued by the department under authority of this law, when such officer is notified of such violation by the department.

Section 9. Subsection (5) of section 580.131, Florida Statutes, is amended to read:

580.131 Penalty payable to consumer.—Any consumer who shall purchase without notice a feed which is below guarantee as is forthwith described shall recover in any legal or administrative action that may be instituted penalties or damages as follows:

(5) The minimum penalty under any of the foregoing provisions shall in no case be less than \$10 \$3, regardless of the monetary value of the deficiency.

Section 10. Section 580.141, Florida Statutes, is amended to read:

580.141 Publications.—The department may publish, in such forms as it may deem proper, information concerning the sales of commercial feeds or feedstuffs, together with such data on their production and use as it may consider advisable, and a summary report of the results of the analyses of official samples of commercial feeds or feedstuffs sold within the state as compared with the analyses guaranteed on the label; provided, however, that the information concerning production and use of commercial feeds or feedstuffs shall not disclose the operations of any person.

Section 11. This act shall take effect October 1, 1979.

Amendment 2—On page 1 in title, lines 1-21, strike all of lines 1 through and including line 21 and insert: A bill to be entitled An act relating to the Florida Commercial Feed Law; amending s. 580.031(2), (3), (8), (9), (11), (14), (15), and (17), Florida Statutes, repealing subsection (7) thereof, relating to contract feeders, and adding a subsection; removing an obsolete definition, modifying other definitions, and defining "feedstuff"; amending ss. 580.071, 580.081, 580.091(1), (4), and (5), 580.111, 580.112(1)-(3), (5), and (9), 580.121(1), 580.131(5), and 580.141, Florida Statutes, and s. 580.101, Florida Statutes, 1978 Supplement; applying certain provisions of law relative to commercial feeds to feedstuffs; authorizing the enforcement of a stop-sale, stop-use, removal, or hold order against a possessor of commercial feeds or feedstuffs; providing penalties; providing an effective date.

Pending further consideration of SB 289 as amended, on motion by Senator Skinner—

HB 798—A bill to be entitled An act relating to the Florida Commercial Feed Law; amending s. 580.031(2), (3), (8), (9), (11), (14), (15), and (17), Florida Statutes, repealing subsection (7) thereof, relating to contract feeders, and adding a subsection; removing an obsolete definition, modifying other definitions, and defining "feedstuff"; amending ss. 580.071,

580.081, 580.091(1), (4), and (5), 580.111, 580.112(1)-(3), (5), and (9), 580.121(1), 580.131(5), and 580.141, Florida Statutes, and s. 580.101, Florida Statutes, 1978 Supplement; applying certain provisions of law relative to commercial feeds to feedstuffs; authorizing the enforcement of a stop-sale, stop-use, removal, or hold order against a possessor of commercial feeds or feedstuffs; providing penalties; providing an effective date.

—a companion measure, was substituted for SB 289 and read the second time by title. On motion by Senator Skinner, by two-thirds vote HB 798 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Grizzle | McKnight | Steinberg |
| Barron | Hair | Myers | Stuart |
| Carlucci | Hill | Neal | Thomas |
| Chamberlin | Holloway | Peterson | Tobiasen |
| Childers, D. | Jenne | Poole | Trask |
| Childers, W. D. | Johnston | Scarborough | Vogt |
| Fecht | MacKay | Scott | Ware |
| Frank | Maxwell | Skinner | Williamson |
| Gorman | McClain | Spicola | Winn |

Nays—None

SB 289 was laid on the table.

SB 349 was taken up and on motion by Senator Hair, the rules were waived and by two-thirds vote HB 655 was withdrawn from the Committee on Governmental Operations.

On motion by Senator Hair—

HB 655—A bill to be entitled An act relating to the naming of the new National Guard Armory in Miami; directing the Department of Military Affairs to name the armory located at Miami in Dade County, Florida, in honor of Major General Robert A. Ballard, Retired; directing the department to prepare and locate appropriate signs and markers; providing an effective date.

—a companion measure, was substituted for SB 349 and read the second time by title. On motion by Senator Hair, by two-thirds vote HB 655 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Gorman | McClain | Stuart |
| Barron | Grizzle | McKnight | Thomas |
| Carlucci | Hair | Myers | Tobiasen |
| Chamberlin | Hill | Peterson | Trask |
| Childers, D. | Holloway | Poole | Vogt |
| Childers, W. D. | Jenne | Scarborough | Ware |
| Dunn | Johnston | Scott | Williamson |
| Fecht | MacKay | Skinner | Winn |
| Frank | Maxwell | Steinberg | |

Nays—None

Votes after roll call:

Yea—Neal, Spicola

SB 349 was laid on the table.

SB 336—A bill to be entitled An act relating to education; amending s. 232.01(1)(d)-(h), (2), Florida Statutes; establishing conditions relating to the entry age for first grade; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendment which was moved by Senator Ware and adopted:

Amendment 1—On page 2, line 6, strike "1979" and insert: 1980

On motion by Senator Ware, by two-thirds vote SB 336 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|------------|
| Anderson | Gorman | McClain | Thomas |
| Barron | Grizzle | McKnight | Tobiasen |
| Carlucci | Hair | Myers | Trask |
| Chamberlin | Henderson | Peterson | Vogt |
| Childers, D. | Holloway | Poole | Ware |
| Childers, W. D. | Jenne | Scarborough | Williamson |
| Dunn | Johnston | Scott | Winn |
| Fecht | MacKay | Skinner | |
| Frank | Maxwell | Steinberg | |

Nays—None

Votes after roll call:

Yea—Myers, Neal, Spicola

SB 355—A bill to be entitled An act relating to the regulation of crawfish; creating a nursery sanctuary for spiny lobsters within the waters of Biscayne Bay and Card Sound; prohibiting the taking, molesting, trapping or possession of spiny lobsters within such waters; providing an exemption for certain purposes; providing a penalty; providing an effective date.

—was read the second time by title.

The Committee on Ways and Means offered the following amendments which were moved by Senator McKnight and adopted:

Amendment 1—On page 3, line 12, strike "molest,"

Amendment 2—On page 3, line 23, strike the period (.) and insert on line 24: and shall expire on July 1, 1984.

Senator McKnight moved the following amendment which was adopted:

Amendment 3—On page 3, line 18, strike "or educational" and insert: , educational, or management

The Committee on Ways and Means offered the following amendment which was moved by Senator McKnight and adopted:

Amendment 4—On page 1 in title, strike all of lines 5 through 8 inclusive and insert: Sound; prohibiting the taking, trapping, or possession of spiny lobsters within such waters; providing an exemption for certain purposes; providing a penalty; providing for expiration of the act; providing an

On motion by Senator McKnight, by two-thirds vote SB 355 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Anderson | Gordon | Maxwell | Steinberg |
| Barron | Gorman | McClain | Stuart |
| Carlucci | Grizzle | McKnight | Thomas |
| Chamberlin | Henderson | Neal | Tobiasen |
| Childers, D. | Hill | Peterson | Trask |
| Childers, W. D. | Holloway | Scarborough | Vogt |
| Dunn | Jenne | Scott | Ware |
| Fecht | Johnston | Skinner | Williamson |
| Frank | MacKay | Spicola | Winn |

Nays—None

Votes after roll call:

Yea—Hair, Myers

By the Committee on Commerce and Senator MacKay—

CS for SB's 400 and 406—A bill to be entitled An act relating to insurance; amending s. 624.408(1), (3), Florida Statutes; increasing the special surplus required of new insurers; providing an effective date.

—was read the first time by title and Senate Bills 400 and 406 were laid on the table.

On motions by Senator MacKay, by two-thirds vote CS for SB's 400 and 406 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-------------|------------|
| Carlucci | Hair | McKnight | Stuart |
| Chamberlin | Henderson | Neal | Thomas |
| Childers, D. | Hill | Peterson | Tobiasen |
| Childers, W. D. | Holloway | Poole | Trask |
| Dunn | Jenne | Scarborough | Vogt |
| Fecht | Johnston | Scott | Ware |
| Frank | MacKay | Skinner | Williamson |
| Gorman | Maxwell | Spicola | Winn |
| Grizzle | McClain | Steinberg | |

Nays—None

Vote after roll call:

Yea—Myers

Abstained from Voting

I abstained from debate and voting on CS for SB's 400 and 406 because of a possible conflict.

Dick Anderson, 40th District

SB 401—A bill to be entitled An act relating to diversification of investments of insurers; adding s. 625.305(3), Florida Statutes; providing a limit to the cost of investments made by insurers in certain mortgage loans; providing an effective date.

—was read the second time by title. On motion by Senator MacKay, by two-thirds vote SB 401 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Gordon | McClain | Steinberg |
| Barron | Gorman | McKnight | Stuart |
| Carlucci | Grizzle | Neal | Thomas |
| Chamberlin | Hair | Peterson | Tobiasen |
| Childers, D. | Hill | Poole | Trask |
| Childers, W. D. | Jenne | Scarborough | Vogt |
| Dunn | Johnston | Scott | Ware |
| Fecht | MacKay | Skinner | Williamson |
| Frank | Maxwell | Spicola | Winn |

Nays—None

Vote after roll call:

Yea—Myers

By the Committee on Commerce and Senator Jenne—

CS for SB 448—A bill to be entitled An act relating to health care facilities and services; creating the Hospital Competition Act; providing legislative findings and a declaration of intent; providing definitions; creating a policy board in the Department of Insurance and providing for membership, procedures, duties, and powers thereof; providing for the development and implementation by the Insurance Commissioner of a uniform system of financial reporting for hospitals; providing quality assurance powers of the Insurance Commissioner; providing for a report to the Governor and Legislature; providing for a budget; providing exemption for facilities which depend exclusively upon prayer or spiritual means for healing; providing a penalty; providing commissions, kickbacks, rebates, or split fee arrangements for patient referrals to a hospital, nursing home, ambulatory surgical center, clinical laboratory, or pharmacy; authorizing the Department of Health and Rehabilitative Services to set penalties for violation; providing an effective date.

—was read the first time by title and SB 448 and CS for SB 448 were laid on the table.

On motion by Senator Jenne, by two-thirds vote CS for CS for SB 448 was read the second time by title.

Senators McClain and Spicola offered the following amendment which was moved by Senator McClain:

Amendment 1—On page 4, line 20, strike the period (.) and insert: , provided however, physicians who provide services within a hospital are exempt from the provisions of this act, and their charges for services provided shall not be subject to reporting requirements, provided they bill for their services independently of the hospital.

Senator McKnight moved the following substitute amendment for Amendment 1:

Amendment 2—On pages 4 and 5, strike all of lines 12 through 31 on page 4, and all of lines 1 through 6 on page 5 and insert: Section 5. Hospital rates and charges reporting system.—

(1) On or before October 1, 1979, each hospital shall file with the commissioner the schedule of rates and charges which were in effect for the hospital on January 1, 1979, and the schedule of rates and charges which were or will be in effect on September 30, 1979. The rates and charges in effect on January 1, 1979, shall be considered by the commissioner as the base rates and charges for that hospital. The schedule of rates and charges shall include the rate or charge for any facility or service offered by the hospital, as such facility or service is specified and defined by the commissioner.

(2) Beginning October 1, 1979, no hospital shall increase any rate or charge without providing notice thereof to the commissioner, at least 60 days prior to the first day on which such increased rate or charge takes effect. Such notice shall be in a form prescribed by the commissioner.

(3) If the commissioner finds that the rates and charges imposed by a hospital or proposed to be imposed by a hospital are in the upper 20 percent of the rates and charges imposed by similar hospitals located in the same or similar communities, he may consider the reasonableness of such rates and charges at a public hearing. The time and place of the hearing shall be determined by the commissioner. The hearing shall be conducted in accordance with the provisions of the Administrative Procedures Act, except that the hearing shall be conducted by the commissioner or his designee. The burden of demonstrating the reasonableness of the rates and charges imposed or proposed to be imposed by a hospital shall be on the hospital. Every objection to the reasonableness of such rates and charges or proposed rates and charges by the commissioner shall be in writing and shall state the grounds for the commissioner's decisions.

(4) If the commissioner finds that the rates and charges imposed by or proposed to be imposed by a hospital are not reasonably related to the necessary cost of providing services or are not reasonably comparable with similar hospitals located in the same or similar communities, the commissioner shall disclose that fact to major health care purchasers in the state and to the public. If, in the case of a proposed increase in a rate or charge, the commissioner makes such a finding, the hospital shall not implement the proposed increase in rates or charges.

Section 6. Duties and powers of the commissioner.—To properly carry out the duties and responsibilities assigned to him by this act, the commissioner may:

(1) Adopt, amend, and repeal rules respecting the exercise of the powers conferred by this act.

(2) Contract with third parties for services necessary to carry out his activities where this will promote economy, avoid duplication of effort, and make best use of available expertise. Any such contractor or consultant shall be prohibited from releasing, publishing, or otherwise using any information made available to it under its contractual responsibility, without specific permission of the commissioner.

(3) Apply for and receive and accept gifts, grants, and donations from any public or private entity or person, and make arrangements as to the use of these receipts, including the undertaking of special studies and other projects relating to hospital care costs.

(4) Create such ad hoc advisory committees in specialized fields related to the functions of hospitals as he deems necessary.

(5) Conduct investigations, hold public hearings, subpoena witnesses, papers, records, and documents, and administer oaths or affirmations in any hearing or investigation.

(6) Prepare and publish such studies, analyses, summaries, compilations or other reports relating to health care costs as will advance the purposes of this act.

Section 7. Program staff.—The commissioner shall employ a full-time staff for the hospital competition program, which shall also provide staff support for the policy board.

(Renumber subsequent sections.)

On motion by Senator Barron, further consideration of CS for SB 448 with pending amendment was deferred until 11:15 a.m.

On motion by Senator Gordon, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Gordon, the rules were waived and by two-thirds vote Senate Bills 488, 722, and 687 were withdrawn from the Committee on Ways and Means.

On motion by Senator Myers, by two-thirds vote SB 601 was withdrawn from the Committee on Ways and Means.

On motions by Senator Henderson, by two-thirds vote Senate Bills 27, 28, 38 and 737 were withdrawn from the committees of reference and indefinitely postponed.

SPECIAL ORDER, continued

SB 482—A bill to be entitled An act relating to regional perinatal intensive care centers; adding s. 383.16(6), (7), Florida Statutes; providing definitions; amending s. 383.19(1), Florida Statutes, relating to grant disbursements and reimbursements; providing for computation of grants within certain limits; providing for reversion of funds under certain circumstances; providing an effective date.

—was read the second time by title.

The Committee on Health and Rehabilitative Services offered the following amendments which were moved by Senator McKnight and adopted:

Amendment 1—On page 1, strike all of lines 17 through 23, and insert: (6) *"Equalization funds" means funds distributed to centers and affiliated centers by the department based upon a formula which recognizes only the differing workloads of the centers.*

Amendment 2—On page 2, line 30, before the word "patients" insert: eligible

On motion by Senator McKnight, by two-thirds vote SB 482 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|-----------|-------------|----------|
| Anderson | Grizzle | McKnight | Stuart |
| Carlucci | Henderson | Myers | Thomas |
| Chamberlin | Hill | Neal | Tobiasen |
| Childers, D. | Holloway | Peterson | Trask |
| Childers, W. D. | Jenne | Scarborough | Vogt |
| Dunn | Johnston | Scott | Ware |
| Fechtcl | MacKay | Skinner | Winn |
| Frank | Maxwell | Spicola | |
| Gorman | McClain | Steinberg | |

Nays—None

Vote after roll call:

Yea—Hair

SB 495—A bill to be entitled An act relating to appeals; adding a new subsection (5) to s. 924.07, Florida Statutes; permitting an appeal by the state when the court enters an order of acquittal after a verdict of guilty has been entered by trier of fact; providing an effective date.

—was read the second time by title. On motion by Senator Carlucci, by two-thirds vote SB 495 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|-----------|-------------|------------|
| Anderson | Gorman | Myers | Stuart |
| Carlucci | Henderson | Neal | Thomas |
| Chamberlin | Hill | Peterson | Tobiasen |
| Childers, D. | Holloway | Poole | Trask |
| Childers, W. D. | Jenne | Scarborough | Vogt |
| Dunn | Johnston | Scott | Ware |
| Fechtcl | MacKay | Skinner | Williamson |
| Frank | Maxwell | Spicola | Winn |
| Gordon | McKnight | Steinberg | |

Nays—1

Grizzle

Vote after roll call:

Yea—Hair

SB 518—A bill to be entitled An act relating to probate; amending s. 732.802, Florida Statutes; providing that one who murders the decedent is prohibited from inheriting from the decedent or taking any part of his estate as a devisee; providing an effective date.

—was read the second time by title.

The Committee on Judiciary-Civil offered the following amendments which were moved by Senator Williamson and adopted:

Amendment 1—On page 1, line 13, strike "murders" and insert: *unlawfully and intentionally kills*

Amendment 2—On page 1, line 13, strike "Murderer" and insert: *Killer Murderer*

Amendment 3—On page 1, lines 17 and 18, strike "murderer" and insert: *killer murderer*

Amendment 4—On page 1 in title, strike all of line 4, and insert: *who unlawfully and intentionally kills the decedent is prohibited from*

On motion by Senator Williamson, by two-thirds vote SB 518 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—29

| | | | |
|-----------------|-----------|-------------|------------|
| Anderson | Grizzle | Myers | Tobiasen |
| Carlucci | Hair | Neal | Trask |
| Childers, D. | Henderson | Poole | Vogt |
| Childers, W. D. | Holloway | Scarborough | Ware |
| Dunn | Johnston | Scott | Williamson |
| Fechtcl | MacKay | Skinner | |
| Frank | Maxwell | Steinberg | |
| Gorman | McKnight | Thomas | |

Nays—4

| | | | |
|------------|------|---------|--------|
| Chamberlin | Hill | Spicola | Stuart |
|------------|------|---------|--------|

Vote after roll call:

Yea—Peterson

SB 546—A bill to be entitled An act relating to insurance; adding s. 626.901(4), Florida Statutes; providing that when an unauthorized insurer fails to pay a claim or loss, any person who assisted in the procurement of the unauthorized insurance

contract is liable to the insured for the amount of the claim or loss in the manner provided for in such contract; providing an effective date.

—was read the second time by title. On motion by Senator Stuart, by two-thirds vote SB 546 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Grizzle | McKnight | Stuart |
| Carlucci | Hair | Neal | Thomas |
| Chamberlin | Hill | Poole | Tobiassen |
| Childers, D. | Holloway | Scarborough | Trask |
| Childers, W. D. | Jenne | Scott | Vogt |
| Dunn | Johnston | Skinner | Ware |
| Frank | MacKay | Spicola | Williamson |
| Gorman | Maxwell | Steinberg | Winn |

Nays—None

Votes after roll call:

Yea—Fechtel, Myers, Peterson

On motion by Senator Stuart, the rules were waived and SB 546 was ordered immediately certified to the House.

SB 651—A bill to be entitled An act relating to the Division of Forestry; adding a paragraph to s. 590.02(1), Florida Statutes; providing for rulemaking authority in the area of forest protection; providing an effective date.

—was read the second time by title.

The Committee on Agriculture offered the following amendment which was moved by Senator Skinner and adopted:

Amendment 1—On page 1, lines 18 and 19, strike after the word “rules”: and do such acts and things as shall be reasonable and necessary

On motion by Senator Skinner, by two-thirds vote SB 651 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Gorman | McKnight | Thomas |
| Barron | Grizzle | Neal | Tobiassen |
| Carlucci | Hair | Peterson | Trask |
| Chamberlin | Hill | Poole | Vogt |
| Childers, D. | Holloway | Scarborough | Ware |
| Childers, W. D. | Jenne | Scott | Williamson |
| Dunn | Johnston | Skinner | Winn |
| Fechtel | MacKay | Spicola | |
| Frank | Maxwell | Steinberg | |
| Gordon | McClain | Stuart | |

Nays—None

Vote after roll call:

Yea—Myers

SB 660—A bill to be entitled An act relating to negligence; amending s. 768.28(13), Florida Statutes; authorizing state agencies and subdivisions insuring against homogeneous risks to obtain protection jointly; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendments which were moved by Senator Gorman and adopted:

Amendment 1—On page 1, lines 22 and 23, strike “to provide other means of protection against tort claims” and insert: as self-insurers to provide other means of protection against tort claims, any charter provisions or laws to the contrary notwithstanding

Amendment 2—On page 1 in title, line 5, after the word “jointly” insert: , notwithstanding charter provisions or laws to the contrary

On motion by Senator Gorman, by two-thirds vote SB 660 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|----------|-----------|------------|
| Anderson | Gorman | Neal | Tobiassen |
| Carlucci | Hair | Peterson | Trask |
| Chamberlin | Hill | Poole | Vogt |
| Childers, D. | Holloway | Scott | Ware |
| Childers, W. D. | Jenne | Skinner | Williamson |
| Dunn | Johnston | Spicola | Winn |
| Fechtel | MacKay | Steinberg | |
| Frank | Maxwell | Stuart | |
| Gordon | McKnight | Thomas | |

Nays—None

Vote after roll call:

Yea—Myers

SB 664—A bill to be entitled An act relating to insurance; adding s. 624.424(9), Florida Statutes; providing that an officer, director, or other person falsifying the financial statement of an insurer is guilty of a felony of the third degree; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 1—On page 1, strike all of lines 11 and 12 and insert: Section 1. Subsection (7) of section 624.424, Florida Statutes is amended and subsection (9) is added to said section to read:

(7) The signatures of all such persons when written on annual statements or other reports required by this section shall be presumed to have been so written by authority of the person whose signature is affixed thereon. The affixing of any signature by anyone other than the purported signer shall constitute a violation of this section and be punishable as provided in s. 626.9581 ~~626.057~~.

The Committee on Judiciary-Criminal offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 2—On page 1, line 18, insert after “statement”: with an intent to defraud

The Committee on Commerce offered the following amendment which was moved by Senator Anderson and adopted:

Amendment 3—On page 1 in title, line 2, insert after “insurance”: amending s. 624.424(7), Florida Statutes; changing penalty section reference;

On motion by Senator Anderson, by two-thirds vote SB 664 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—37

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Gorman | McKnight | Stuart |
| Barron | Grizzle | Myers | Thomas |
| Carlucci | Hair | Neal | Tobiassen |
| Chamberlin | Hill | Peterson | Trask |
| Childers, D. | Holloway | Poole | Vogt |
| Childers, W. D. | Jenne | Scarborough | Williamson |
| Dunn | Johnston | Scott | Winn |
| Fechtel | MacKay | Skinner | |
| Frank | Maxwell | Spicola | |
| Gordon | McClain | Steinberg | |

Nays—None

SB 686—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.205(1), (2), Florida Statutes; removing the part-time alternate member of the commission and deleting provisions relating to such member; deleting provision providing that the commissioners serve at the pleasure of the Governor; deleting quorum requirements of the commission; providing for the chairman's term of office; providing for the commissioners' salaries; amending s. 447.207 (2), (5), (6), (7), Florida Statutes; prohibiting the commission from issuing certain subpoenas; clarifying provisions relating to commission rulemaking and commission resolution of unfair labor practices and strikes by public employees; specifying the adversary parties before the commission; providing that certain agency actions do not constitute rules; providing an effective date.

—was read the second time by title.

Ways and Means Subcommittee E offered the following amendments which were moved by Senator Johnston and adopted:

Amendment 1—On page 1, line 31, strike "three" and insert: a chairman and two

Amendment 2—On page 2, lines 14 and 15, strike "their entire time" and insert: full-time

Amendment 3—On page 2, strike all of lines 17 through and including the period "," following the word "chairman" on line 29, and insert: The term of office shall be 4 years, except that beginning January 1, 1980, the chairman shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. except that beginning July 1, 1977, one member shall be appointed for a term of 1 year, one member for a term of 2 years, one member for a term of 3 years, and the alternate member for a term of 4 years. The commissioners shall serve at the pleasure of the Governor. The Governor shall designate one member as chairman, who shall be responsible for the administrative functions of the commission and who shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed, the chairman shall serve as chairman for the duration of his term. Nothing contained herein shall prohibit a chairman or commissioner from serving multiple terms.

Amendment 4—On page 1 in title, line 10, strike "chairman's" and insert after the word "office": of the chairman and commissioners

Pending further consideration of SB 686 as amended, on motion by Senator Johnston, the rules were waived and by two-thirds vote HB 1494 was withdrawn from Ways and Means Subcommittee E and the Committee on Ways and Means.

On motion by Senator Johnston—

HB 1494—A bill to be entitled An act relating to the Public Employees Relations Commission; amending s. 447.205(1) and (2), Florida Statutes, deleting the Governor's power to remove commissioners; deleting provisions relating to the alternate commissioner and the quorum requirement for the conduct of business; providing for the term of the chairman and revising certain provisions relating to the salaries of the commissioners; amending s. 447.207(2), (5), (6) and (7), Florida Statutes, limiting the issuance of certain subpoenas; clarifying certain provisions relating to commission rulemaking, commission resolution of unfair labor practices and strikes, and petition for declaratory statement; identifying parties before the commission and specifying that certain agency actions do not constitute rules; providing an effective date.

—a companion measure, was substituted for SB 686 and read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—On pages 1-4, strike everything after the enacting clause and insert: Section 1. Subsections (1) and (2) of section 447.205, Florida Statutes, are amended to read:

447.205 Public Employees Relations Commission.—

(1) There is hereby created within the Department of Labor and Employment Security ~~Commerce~~ the Public Employees Relations Commission, hereinafter referred to as the "commission." The commission shall be composed of a chairman and two ~~three~~ full-time members and one part-time alternate member, to be appointed by the Governor, subject to confirmation by the Senate, from persons representative of the public, known for their objective and independent judgment, who shall not be employed by, or hold any commission with, any governmental unit in the state or any employee organization, as defined in this part, while in said office. In no event shall more than one appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employers; and in no event shall more than one such appointee be a person who, on account of previous vocation, employment, or affiliation, is, or has been, classified as a representative of employees or employee organizations. The full-time commissioners shall devote full-time their entire time to commission duties and shall not engage in any other business, vocation, or employment while in said office. The term of office shall be 4 years, except that beginning January 1, 1980, the chairman shall be appointed for a term of 4 years, one commissioner for a term of 1 year, and one commissioner for a term of 2 years. In the event of a vacancy prior to the expiration of a term of office, an appointment shall be made for the unexpired term of that office. except that beginning July 1, 1977, one member shall be appointed for a term of 1 year, one member for a term of 2 years, one member for a term of 3 years, and the alternate member for a term of 4 years. The Commissioners shall serve at the pleasure of the Governor. The Governor shall designate one member as chairman, who shall be responsible for the administrative functions of the commission and who shall have the authority to employ such personnel as may be necessary to carry out the provisions of this part. Once appointed, the chairman shall serve as chairman for the duration of his term. Nothing contained herein shall prohibit a chairman or commissioner from serving multiple terms. The chairman shall also have the authority to call the alternate commissioner to serve during such times as the alternate commissioner's presence is necessary to complete a quorum for the conduct of commission business. The presence of three members shall constitute a quorum for the conduct of commission business.

(2) The chairman shall be paid an annual salary of \$28,000, and the other full-time commissioners shall be paid annual salaries to be fixed by law of \$26,000. Such salaries shall be paid in equal monthly installments. The alternate commissioner shall receive no salary, but shall receive an honorarium of \$200 for each day engaged in the work of the commission. All commissioners shall be reimbursed for expenses, as provided in s. 112.061.

Section 2. Subsections (2), (5), (6) and (7) of section 447.207, Florida Statutes, are amended to read:

447.207 Commission; powers and duties.—

(2) To accomplish the objectives and carry out the duties prescribed by this part, the commission may preserve and enforce order during any proceeding; issue subpoenas for, administer oaths or affirmations to, and compel the attendance and testimony of, witnesses; or [issue subpoenas for, and compel] the production of, books, papers, records, documents, and other evidence. However, in the absence of extraordinary circumstances, no subpoena shall issue which commands the attendance or testimony of any commissioner or any commission employee at a commission proceeding with respect to the performance of official or assigned duties, or the production of books, papers, records, or documents of the commission which have been prepared during the performance of such duties.

(5) The commission shall adopt rules as to the qualifications of persons who may serve as mediators and special masters, and shall maintain lists of such qualified persons who are not employees of the commission. The commission may, and initiate dispute resolution procedures by special masters, pursuant to the provisions of this part.

(6) Pursuant to its established procedures, the commission shall resolve questions and controversies concerning claims for recognition as the bargaining agent for a bargaining unit, determine or approve units appropriate for purposes of collective bargaining, expeditiously process charges of unfair labor engagement in prohibited practices and violations of s. 447.505

~~charges of striking~~ by public employees, and resolve such other questions and controversies as it may be authorized herein to undertake. *The petitioner, charging party, respondent, and any intervenors shall be the adversary parties before the commission in any adjudicatory proceeding conducted pursuant to this part. Any commission statement of general applicability that implements, interprets, or prescribes law or policy, made in the course of adjudicating a case pursuant to s. 447.307 or s. 447.503 shall not constitute a rule within the meaning of s. 120.52(14).*

(7) The commission shall provide by rule a procedure for the filing and prompt disposition of petitions for a declaratory statement ~~statements~~ as to the applicability of any statutory provision or any rule or order of the commission. Such rule or rules shall provide for, but not be limited to, an expeditious disposition of petitions posing questions relating to *potential unfair labor the scope of negotiations or to possible prohibited* practices. Commission disposition of petitions shall be final agency action and shall not constitute a rule as defined in s. 120.52(14).

Section 3. This act shall take effect July 1, 1979.

Amendment 2—On page 1 in title, lines 2-20, strike all of said lines and insert: An act relating to the Public Employees Relations Commission; amending s. 447.205(1), (2), Florida Statutes; removing the part-time alternate member of the commission and deleting provisions relating to such member; deleting provision providing that the commissioners serve at the pleasure of the Governor; deleting quorum requirements of the commission; providing for the term of office of the chairman and commissioners; providing for the commissioners' salaries; amending s. 447.207(2), (5), (6), (7), Florida Statutes; prohibiting the commission from issuing certain subpoenas; clarifying provisions relating to commission rulemaking and commission resolution of unfair labor practices and strikes by public employees; specifying the adversary parties before the commission; providing that certain agency actions do not constitute rules; providing an effective date.

On motion by Senator Johnston, by two-thirds vote HB 1494 as amended was read the third time by title, passed, and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Gorman | McKnight | Stuart |
| Barron | Grizzle | Neal | Thomas |
| Carlucci | Hair | Peterson | Tobiasen |
| Chamberlin | Hill | Poole | Trask |
| Childers, D. | Holloway | Scarborough | Vogt |
| Childers, W. D. | Jenne | Scott | Williamson |
| Dunn | Johnston | Skinner | Winn |
| Fechtcl | MacKay | Spicola | |
| Frank | McClain | Steinberg | |

Nays—1

Maxwell

Vote after roll call:

Yea—Myers

SB 686 was laid on the table.

On motion by Senator Hill, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motions by Senator Hill, by two-thirds vote SM 1290 was withdrawn from the Committee on Rules and Calendar and by two-thirds vote placed at the end of the special order calendar.

SPECIAL ORDER, continued

SB 762—A bill to be entitled An act relating to the Florida Council on Criminal Justice; amending s. 23.152(3)(g), Florida

Statutes, 1978 Supplement; adding to the membership of the council; providing an effective date.

—was read the second time by title. On motion by Senator Hair, by two-thirds vote SB 762 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—31

| | | | |
|-----------------|----------|-------------|-----------|
| Anderson | Grizzle | Myers | Steinberg |
| Barron | Hair | Neal | Stuart |
| Chamberlin | Hill | Peterson | Thomas |
| Childers, W. D. | Holloway | Poole | Tobiasen |
| Fechtcl | Jenne | Scarborough | Trask |
| Frank | Maxwell | Scott | Vogt |
| Gordon | McClain | Skinner | Winn |
| Gorman | McKnight | Spicola | |

Nays—None

SB 785—A bill to be entitled An act relating to the Board of Regents; amending s. 240.031(1), Florida Statutes, and s. 240.052(1), Florida Statutes, 1978 Supplement; specifying that the State Board of Education may amend rules of the Board of Regents; providing an effective date.

—was read the second time by title.

The Committee on Education offered the following amendments which were moved by Senator Frank and adopted:

Amendment 1—On page 1, line 19, strike 30 and insert: 45

Amendment 2—On page 1, line 19, insert after the word "disapproved": or amended

The Committee on Education offered the following amendment which was moved by Senator Frank:

Amendment 3—On page 1, line 21, strike the final period and insert: ; provided further that final action on any rule is amended may not be taken by the Board of Education until the meeting subsequent to the meeting at which it is amended.

Senator Frank moved the following substitute amendment for Amendment 3 which was adopted:

Amendment 4—On page 1, line 21, insert after "state": If any rule is amended by the Board of Education, adoption of such rule shall be delayed until a subsequent meeting.

On motion by Senator Frank, by two-thirds vote SB 785 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

| | | | |
|-----------------|----------|-------------|------------|
| Anderson | Gorman | Neal | Stuart |
| Barron | Grizzle | Peterson | Thomas |
| Chamberlin | Hair | Poole | Tobiasen |
| Childers, D. | Hill | Scarborough | Trask |
| Childers, W. D. | Jenne | Scott | Vogt |
| Fechtcl | Johnston | Skinner | Ware |
| Frank | McClain | Spicola | Williamson |
| Gordon | McKnight | Steinberg | Winn |

Nays—1

Maxwell

Votes after roll call:

Yea—Holloway, Myers

By the Committee on Governmental Operations and Senator Tobiasen—

CS for SB 419—A bill to be entitled An act relating to the powers, duties, and functions of the Division of Purchasing of the Department of General Services; amending s. 287.042(1), Florida Statutes; authorizing the division to canvass all sources of supply and contract for the purchase, lease, or acquisition

in any manner, including purchase by installment sales or lease purchase contracting which may provide the payment of interest on unpaid portions of the purchase price, of commodities required by the state government or its agencies; requiring the adoption of rules; adding s. 287.062(5), Florida Statutes, 1978 Supplement, requiring prior approval of certain contracts by the Comptroller; providing an effective date.

—was read the first time by title and SB 419 was laid on the table.

On motions by Senator Tobiasen, by two-thirds vote CS for SB 419 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—35

| | | | |
|-----------------|----------|-------------|-----------|
| Anderson | Gordon | Maxwell | Spicola |
| Barron | Gorman | McClain | Steinberg |
| Carlucci | Grizzle | McKnight | Stuart |
| Chamberlin | Hair | Neal | Thomas |
| Childers, D. | Hill | Peterson | Tobiasen |
| Childers, W. D. | Holloway | Poole | Trask |
| Dunn | Jenne | Scarborough | Vogt |
| Fechtcl | Johnston | Scott | Winn |
| Frank | MacKay | Skinner | |

Nays—None

Vote after roll call:

Yea—Myers

SB 412—A bill to be entitled An act relating to public printing contracts; amending ss. 283.10(1), 287.102, Florida Statutes, 1978 Supplement; specifying the purchases for which such contracts must require competitive bids; providing an effective date.

—was read the second time by title.

The Committee on Governmental Operations offered the following amendment which was moved by Senator Tobiasen and adopted:

Amendment 1—On page 1, line 6, strike “competitive” and insert: competitive

Senator Tobiasen moved the following amendments which were adopted:

Amendment 2—On page 1, lines 21-23, strike everything after the period on line 21 through and including all of line 23.

Amendment 3—On page 2, line 2, after the word “state” insert: except for the printing of the Florida Statutes

On motion by Senator Tobiasen, by two-thirds vote SB 412 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—26

| | | | |
|-----------------|----------|-----------|----------|
| Barron | Hair | McKnight | Tobiasen |
| Carlucci | Hill | Peterson | Trask |
| Childers, W. D. | Holloway | Poole | Vogt |
| Fechtcl | Jenne | Scott | Ware |
| Frank | MacKay | Skinner | Winn |
| Gordon | Maxwell | Steinberg | |
| Gorman | McClain | Thomas | |

Nays—7

| | | | |
|------------|----------|---------|--------|
| Anderson | Grizzle | Neal | Stuart |
| Chamberlin | Johnston | Spicola | |

Vote after roll call:

Yea—Myers

On motion by Senator Johnston, the rules were waived and HB 1046 was ordered immediately certified to the House.

By the Committee on Agriculture and Senator Scott—

CS for SB 1258—A bill to be entitled An act relating to the business of rendering; amending s. 534.081(1), Florida Statutes; authorizing certain law enforcement officers and investigators or officers of the Department of Agriculture and Consumer Services to stop drivers of vehicles transporting inedible raw products of livestock, used grease, used restaurant grease, or other such products for inspection; providing an effective date.

—was read the first time by title and SB 1258 was laid on the table.

On motions by Senator Scott, by two-thirds vote CS for SB 1258 was read the second time by title and by two-thirds vote was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—36

| | | | |
|-----------------|-----------|-------------|------------|
| Anderson | Gorman | Maxwell | Steinberg |
| Barron | Grizzle | McKnight | Stuart |
| Carlucci | Hair | Neal | Thomas |
| Chamberlin | Henderson | Peterson | Tobiasen |
| Childers, D. | Hill | Poole | Trask |
| Childers, W. D. | Holloway | Scarborough | Vogt |
| Dunn | Jenne | Scott | Ware |
| Fechtcl | Johnston | Skinner | Williamson |
| Frank | MacKay | Spicola | Winn |

Nays—1

McClain

Vote after roll call:

Yea—Myers

The President presiding

The hour of 11:15 a.m. having arrived, the Senate resumed consideration of—

CS for CS for SB 448—A bill to be entitled An act relating to health care facilities and services; creating the Hospital Competition Act; providing legislative findings and a declaration of intent; providing definitions; creating a policy board in the Department of Insurance and providing for membership, procedures, duties, and powers thereof; providing for the development and implementation by the Insurance Commissioner of a uniform system of financial reporting for hospitals; providing quality assurance powers of the Insurance Commissioner; providing for a report to the Governor and Legislature; providing for a budget; providing exemption for facilities which depend exclusively upon prayer or spiritual means for healing; providing a penalty; prohibiting commissions, kickbacks, rebates, or split fee arrangements for patient referrals to a hospital, nursing home, ambulatory surgical center, clinical laboratory, or pharmacy; authorizing the Department of Health and Rehabilitative Services to set penalties for violation; providing an effective date.

—with pending Substitute Amendment 2.

Substitute Amendment 2 failed.

Amendment 1 failed. The vote was:

Yeas—16

| | | | |
|-----------|----------|---------|------------|
| Frank | Holloway | McClain | Spicola |
| Gorman | Jenne | Poole | Ware |
| Grizzle | Johnston | Scott | Williamson |
| Henderson | Maxwell | Skinner | Winn |

Nays—22

| | | | |
|---------------|-----------------|-------------|----------|
| Mr. President | Childers, W. D. | McKnight | Thomas |
| Anderson | Dunn | Neal | Tobiasen |
| Barron | Fechtcl | Peterson | Trask |
| Carlucci | Gordon | Scarborough | Vogt |
| Chamberlin | Hill | Steinberg | |
| Childers, D. | MacKay | Stuart | |

Senators Dunn, Anderson and Barron offered the following amendment which was moved by Senator Dunn and adopted:

Amendment 3—On page 5, strike all of lines 7 through 18. and insert: Section 6. Quality assurance programs.—Each hospital shall maintain a quality assurance program, which program shall include monitoring of the necessity of admission, appropriateness of the length of stay, proper utilization of services, and the evaluation of the quality of services rendered.

Senator Ware moved the following amendments which were adopted:

Amendment 4—On page 7 between lines 17 and 18, insert a new Section 12: Section 12. Subsection (7) of Section 215.422, Florida Statutes, 1978 Supplement, is created to read:

(7) In order to alleviate any hardship that may be caused to a health care provider as a result of delay in receiving reimbursement for services, any payment or payments for hospital, medical, or other health care services which are to be reimbursed by the state, either directly or indirectly, shall be made to the health care provider not more than 20 days from the date eligibility for payment is determined.

(Renumber subsequent sections accordingly.)

Amendment 5—On page 1 in title, line 24, insert after the semi-colon: creating subsection (7) of section 215.422, Florida Statutes, 1978 Supplement; requiring that payment for health care services be made within a certain period of time;

Pending further consideration of CS for CS for SB 448 as amended, on motions by Senator Jenne, the rules were waived and by two-thirds vote CS for HB's 619 and 917 was withdrawn from the Committees on Health and Rehabilitative Services, Commerce and Ways and Means.

On motion by Senator Jenne—

CS for HB's 619 and 917—A bill to be entitled An act relating to health care; creating part II of chapter 395, Florida Statutes; providing definitions; creating the Florida Hospital Commission; providing membership, powers and duties; providing for staff and the appointment of committees; creating a technical advisory committee to the commission; requiring the commission to adopt a uniform hospital accounting and reporting system; requiring hospitals to file annual reports; providing for inspection of hospital records; providing for periodic analysis of health-care costs and the financial status of hospitals; providing for the review of hospital budgets and providing procedure and guidelines for review; providing for disapproval of hospital budgets; providing sanctions; providing considerations for review; providing an exemption from disapproval for charges by physicians under certain circumstances; providing for biennial budgets of the commission; providing for assessments against hospitals to fund the commission; creating the Hospital Commission Trust Fund; providing for annual reports of operation; providing for commission accountability; providing penalties; providing an effective date.

—a companion measure, was substituted for CS for CS for SB 448 and read the second time by title.

Senator Johnston moved the following amendments which were adopted:

Amendment 1—Strike everything after the enacting clause and insert: Section 1. Short title.—This act shall be known and may be cited as the "Hospital Competition Act."

Section 2. Legislative findings and declaration of intent.—The present system of reimbursing hospitals encourages rising health care costs by removing incentives for efficiency in institutional management. The control of health care costs totally through a regulatory approach is not feasible because of the complexity of the health care system and the likelihood that extensive regulatory efforts would be stifling to future innovations in the delivery and financing of health care services. The purpose of this act is to subject hospitals to a portion of the normal competitive forces at work in an economic market by providing purchasers with information about the comparative prices of services at different hospitals.

Section 3. Definitions.—As used in this act:

- (1) "Commissioner" means the Insurance Commissioner.
- (2) "Department" means the Department of Insurance.
- (3) "Purchaser" means any person whose occupation is other than the administration of health activities or the providing of health services, who has no fiduciary obligation to a health facility or other health agency, and who has no direct financial interest in the provision of health services.
- (4) "Hospital" means an establishment as defined in s. 395.01, Florida Statutes.
- (5) "Board" means the Purchasers' policy board created by section 4 of this act.

Section 4. Purchasers' policy board.—

- (1) There is hereby created a purchasers' policy board consisting of nine members appointed by the Insurance Commissioner. The board shall consist of representatives of the five largest employers in the state, a representative of the commercial health insurance industry, a representative of a hospital service plan corporation licensed under chapter 641, Florida Statutes, and two consumers, one of whom shall represent the elderly. Of the initial appointees, five shall be appointed for a term of 2 years and four shall be appointed for a term of 1 year. Thereafter, all appointments shall be for terms of 2 years each. Vacancies in the appointed membership of the board shall be filled by the commissioner for the unexpired portion of the term. All members of the board may be reappointed. The commissioner shall annually select a chairman who shall select a vice-chairman. Five members of the board shall constitute a quorum.
- (2) The purchasers' policy board shall provide for its own organization in a manner approved by the commissioner.
- (3) The policy board shall:
 - (a) Advise the commissioner on the application of marketplace concepts to the health care system and the stimulation of competitive forces in the delivery of health care services;
 - (b) Make quarterly reports to the public on the progress of the hospital competition program, including the program's effectiveness in stimulating competition and restraining hospital price increases;
 - (c) Review and comment on rules regarding uniform financial reporting;
 - (d) Recommend to the Insurance Commissioner items for inclusion in the budget request for the hospital competition program, and review and recommend to the Governor and Legislature approval or disapproval of the commissioner's budget request for the program.
 - (e) Advise on the integration of the requirements of the hospital competition program with other state and federal programs pertaining to the delivery or purchase of health services;
 - (f) Report to the commissioner, Governor, and Legislature on the effectiveness of the program, and recommend modifications if necessary;
 - (g) Review and recommend to the Insurance Commissioner approval or disapproval of the rules under which the program functions.
- (4) Members of the purchasers' policy board shall receive per diem and travel allowances as prescribed in s. 112.061, Florida Statutes.

Section 5. Uniform system of financial reporting.—

- (1) The commissioner shall by rule, after consultation with appropriate professional and governmental advisory bodies and public hearings, specify a uniform system of financial reporting based on the American Hospital Association Chart of Accounts and generally accepted accounting principles. As a part of such uniform system of financial reporting, the commissioner may require the filing of any information relating to the cost of services in hospitals.
- (2) All hospitals under the jurisdiction of or licensed by the Department of Health and Rehabilitative Services shall submit reports to the Insurance Commissioner based on the system promulgated by the commissioner. The system shall be initially

effective at such time and date as the commissioner shall direct, but no earlier than January 1, 1980. In determining the initial effective date and subsequent dates for reporting requirements, the commissioner shall consider both the immediate need for uniform facility reporting information to effectuate the purposes of this act and the administrative and economic difficulties which hospitals face in conversion, but in no event shall such effective date be later than January 1, 1981. The commissioner shall require such interim reports as he deems desirable to utilize whatever portions of the uniform system that are available prior to the effective date of this subsection.

Section 6. Quality assurance programs.—Each hospital shall maintain a quality assurance program, which program shall include monitoring of the necessity of admission, appropriateness of the length of stay, proper utilization of services, and the evaluation of the quality of services rendered.

Section 7. Program accountability.—The commissioner shall include in his annual report to the Governor and the Legislature required under s. 624.315, Florida Statutes, a report on hospital competition program operations and activities for the preceding year.

Section 8. Program budget.—The commissioner shall biennially prepare a budget which shall include his estimated income and expenditures for program administration and operation. Upon the approval of the budget by the Legislature, the hospitals subject to this act shall be assessed the amount thereof upon an equitable basis to be determined by the commissioner, but not to exceed four one-hundredths of 1 percent of each hospital's gross operating costs for its last fiscal year ending on or before December 31 of the preceding calendar year. The balance of the budget, if any, shall be financed from general or special appropriations, or by grants from other sources.

Section 9. Penalty.—Any hospital which refuses to file reports or other information required to be filed under the provisions of this act shall be punished by a fine not exceeding \$1,000 per day in violation, to be fixed, imposed, and collected by the commissioner. Each day in violation shall be considered a separate offense. Knowing and willful falsification of a report required under this act shall be grounds for removal of a hospital's license under s. 395.06, Florida Statutes.

Section 10. Rebates prohibited; penalties.—

(1) It is unlawful for any person to pay or receive any commission, bonus, kickback, rebate, or engage in any split fee arrangement in any form whatsoever with any physician, surgeon, organization, agency, or person, either directly or indirectly, for patients referred to:

- (a) A hospital licensed under chapter 395, Florida Statutes;
- (b) A nursing home licensed under chapter 400, Florida Statutes;
- (c) A clinical laboratory licensed under chapter 483, Florida Statutes;
- (d) An ambulatory surgical center licensed under chapter 395, Florida Statutes; or
- (e) A pharmacy registered under chapter 465, Florida Statutes.

(2) The Department of Health and Rehabilitative Services shall adopt rules which assess administrative penalties for acts prohibited by subsection (1). In the case of an entity licensed by the department, such penalties may include any disciplinary action available to the department under the appropriate licensing laws. In the case of an entity not licensed by the department, such penalties may include:

- (a) A fine not to exceed \$1,000;
- (b) If applicable, a recommendation by the department to the appropriate licensing board that disciplinary action be taken.

Section 11. Exemption.—The provisions of this act shall not apply to any institution conducted by or for the adherents of any well recognized church or religious denomination for the purpose of providing facilities for the care or treatment of the sick who depend exclusively upon prayer or spiritual means for healing in the practice of the religion of such church or denomination.

Section 12. Subsection (7) of Section 215.422, Florida Statutes, 1978 Supplement, is created to read:

(7) In order to alleviate any hardship that may be caused to a health care provider as a result of delay in receiving reimbursement for services, any payment or payments for hospital, medical, or other health care services which are to be reimbursed by the state, either directly or indirectly, shall be made to the health care provider not more than 20 days from the date eligibility for payment is determined.

Section 13. In the event that any provision or application of this act is held to be invalid, it is the legislative intent that the other provisions and applications hereof shall not be thereby affected.

Section 14. This act shall take effect July 1, 1979.

Amendment 2—On page 1, strike all of lines 2-28 and insert: An act relating to health care facilities and services; creating the Hospital Competition Act; providing legislative findings and a declaration of intent; providing definitions; creating a policy board in the Department of Insurance and providing for membership, procedures, duties, and powers thereof; providing for the development and implementation by the Insurance Commissioner of a uniform system of financial reporting for hospitals; providing quality assurance powers of the Insurance Commissioner; providing for a report to the Governor and Legislature; providing for a budget; providing exemption for facilities which depend exclusively upon prayer or spiritual means for healing; providing a penalty; prohibiting commissions, kickbacks, rebates, or split fee arrangements for patient referrals to a hospital, nursing home, ambulatory surgical center, clinical laboratory, or pharmacy; authorizing the Department of Health and Rehabilitative Services to set penalties for violation; creating subsection (7) of section 215.422, Florida Statutes, 1978 Supplement; requiring that payment for health care services be made within a certain period of time; providing an effective date.

On motion by Senator Jenne, by two-thirds vote CS for HB's 619 and 917 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—40

| | | | |
|-----------------|-----------|-------------|------------|
| Mr. President | Gordon | Maxwell | Spicola |
| Anderson | Gorman | McClain | Steinberg |
| Barron | Grizzle | McKnight | Stuart |
| Carlucci | Hair | Myers | Thomas |
| Chamberlin | Henderson | Neal | Tobiasen |
| Childers, D. | Hill | Peterson | Trask |
| Childers, W. D. | Holloway | Poole | Vogt |
| Dunn | Jenne | Scarborough | Ware |
| Fechtel | Johnston | Scott | Williamson |
| Frank | MacKay | Skinner | Winn |

Nays—None

CS for CS for SB 448 was laid on the table.

Senator McClain moved that the rules be waived and the Senate reconsider the vote by which CS for HB's 619 and 917 passed.

Senator Dunn moved as a substitute motion that the rules be waived and CS for HB's 619 and 917 be ordered immediately certified to the House. The motion was adopted.

On motion by Senator Tobiasen, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB 419—A bill to be entitled An act relating to the powers, duties, and functions of the Division of Purchasing of the Department of General Services; amending s. 287.042(1), Florida Statutes; authorizing the division to canvass all sources of supply and contract for the purchase, lease, or acquisition in any manner, including purchase by installment sales or lease purchase contracting which may provide the payment of interest on unpaid portions of the purchase price, of commodities required by the state government or its agencies; requiring the adoption of rules; adding s. 287.062(5), Florida Stat-

utes, 1978 Supplement, requiring prior approval of certain contracts by the Comptroller; providing an effective date.

—passed this day.

On motion by Senator Tobiassen, the rules were waived and the Senate reconsidered the vote by which CS for SB 419 was placed on third reading.

The Committee on Ways and Means offered the following amendment which was moved by Senator Tobiassen and adopted:

Amendment 1—On page 2, line 16, after the period insert: *Annually, on or before February 1, the Comptroller shall submit to the presiding officer of each house of the legislature a report containing a summary of each such contract approved or rejected during the previous calendar year. The report shall contain, for each contract, a description of the commodity or commodities, the name of the acquiring agency, the name of the vendor, and pertinent financial terms of the contract.*

On motion by Senator Tobiassen, by two-thirds vote CS for SB 419 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|----------|-------------|------------|
| Mr. President | Frank | Neal | Thomas |
| Anderson | Gorman | Peterson | Tobiassen |
| Barron | Grizzle | Poole | Trask |
| Carlucci | Hair | Scarborough | Vogt |
| Chamberlin | Hill | Scott | Ware |
| Childers, D. | Jenne | Skinner | Williamson |
| Childers, W. D. | MacKay | Spicola | Winn |
| Dunn | Maxwell | Steinberg | |
| Fechtcl | McKnight | Stuart | |

Nays—1

Gordon

Vote after roll call:

Yea—Myers

On motion by Senator Tobiassen, the rules were waived and CS for SB 419 after being engrossed was ordered immediately certified to the House.

On motion by Senator Frank, the rules were waived and SB 785 after being engrossed was ordered immediately certified to the House.

Senator Trask moved that the Senate reconsider the vote by which SB 1273 passed on May 9.

The motion was placed on the calendar for consideration May 15.

On motion by Senator MacKay, the rules were waived and the Senate immediately reconsidered the vote by which—

CS for SB's 400 and 406—A bill to be entitled An act relating to insurance; amending s. 624.408(1), (3), Florida Statutes; increasing the special surplus required of new insurers; providing an effective date.

—passed this day.

On motion by Senator MacKay, the rules were waived and the Senate reverted to—

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1125 and requests the concurrence of the Senate.

Allen Morris, Clerk

By the Committee on Insurance—

HB 1125—A bill to be entitled An act relating to insurance; amending s. 624.408(1) and (3), Florida Statutes; increasing the special surplus required of new insurers; providing an effective date.

—was read the first time by title and referred to the Committee on Commerce.

SPECIAL ORDER, continued

On motion by Senator MacKay, by two-thirds vote HB 1125 was withdrawn from the Committee on Commerce.

On motions by Senator MacKay, HB 1125, a companion measure, was substituted for CS for SB's 400 and 406 and by two-thirds vote read the second time by title. On motion by Senator MacKay, by two-thirds vote HB 1125 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|----------|-------------|------------|
| Mr. President | Frank | McClain | Thomas |
| Anderson | Gordon | McKnight | Tobiassen |
| Barron | Gorman | Peterson | Trask |
| Carlucci | Grizzle | Scarborough | Vogt |
| Chamberlin | Hair | Scott | Ware |
| Childers, D. | Jenne | Skinner | Williamson |
| Childers, W. D. | Johnston | Spicola | Winn |
| Dunn | MacKay | Steinberg | |
| Fechtcl | Maxwell | Stuart | |

Nays—None

Vote after roll call:

Yea—Myers

CS for SB's 400 and 406 was laid on the table.

On motions by Senator Hill—

SM 1290—A memorial to the Governor of the State of Florida requesting that the Governor issue a proclamation designating Vietnam Veterans Week, initiate and coordinate appropriate ceremonies and activities, and encourage labor and management to initiate programs designed to allow all Vietnam veterans to find a productive place in society.

—was taken up out of order by unanimous consent and read the second time in full, adopted and certified to the House.

The vote on adoption was:

Yeas—35

| | | | |
|-----------------|----------|-------------|-----------|
| Mr. President | Frank | Maxwell | Steinberg |
| Anderson | Gorman | McClain | Stuart |
| Barron | Grizzle | McKnight | Thomas |
| Carlucci | Hair | Neal | Tobiassen |
| Chamberlin | Hill | Peterson | Trask |
| Childers, D. | Holloway | Scarborough | Vogt |
| Childers, W. D. | Jenne | Scott | Ware |
| Dunn | Johnston | Skinner | Winn |
| Fechtcl | MacKay | Spicola | |

Nays—None

Vote after roll call:

Yea—Myers

Consideration of SB 973 was deferred.

SB 1002—A bill to be entitled An act relating to the authorization of insurers; renumbering s. 624.414(4), Florida Statutes, 1978 Supplement, and adding a new subsection (4) to said section; requiring the Department of Insurance to act upon an application for a certificate of authority within a specified period; providing that if such application is not approved or denied within a specified period, the application shall be

deemed approved subject to the satisfactory completion of certain conditions; providing an effective date.

—was read the second time by title. On motion by Senator Anderson, by two-thirds vote SB 1002 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|----------|-----------|----------|
| Mr. President | Gordon | Maxwell | Stuart |
| Anderson | Gorman | McClain | Thomas |
| Barron | Grizzle | McKnight | Tobiasen |
| Carlucci | Hair | Peterson | Trask |
| Chamberlin | Hill | Poole | Vogt |
| Childers, D. | Holloway | Scott | Ware |
| Childers, W. D. | Jenne | Skinner | Winn |
| Fechtel | Johnston | Spicola | |
| Frank | MacKay | Steinberg | |

Nays—None

Vote after roll call:

Yea—Myers

SB 563—A bill to be entitled An act relating to the State Apprenticeship Council; amending s. 446.031, Florida Statutes; providing that the council shall serve in an advisory capacity to the Bureau of Apprenticeship of the Division of Labor of the Department of Labor and Employment Security; modifying the membership of the council; limiting voting power of certain members thereof; limiting terms; modifying meeting schedule; providing for expiration of terms of members currently serving unless reappointed; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendments which were moved by Senator Maxwell and adopted:

Amendment 1—On page 1, line 29, strike "*Bureau of Apprenticeship of the*"

Amendment 2—On page 2, lines 5-8, strike "*The Governor shall appoint five members representing nonjoint employer organizations and five members representing joint employee organizations.*" and insert: *The Governor shall appoint four members representing nonjoint employer organizations and four members representing joint employee organizations; these eight members shall appoint two additional members who shall be members of the public. In the event that the membership appointed by the Governor cannot, by majority vote, agree to the other two members, those seats shall remain vacant.*

Amendment 3—On page 2, line 20, strike: "*Department*" lines 20 and 21, strike: "*and Employment Security*" and on page 2, line 20 following "(2) The" insert: *Division*

Amendment 4—On page 2, line 27, strike "*department Division of Labor*" and insert: *Division of Labor*

Amendment 5—On page 1 in title, lines 5 and 6, strike "*Bureau of Apprenticeship of the*"

On motion by Senator Maxwell, further consideration of SB 563 was deferred.

SB 1167—A bill to be entitled An act relating to the Department of Highway Safety and Motor Vehicles; amending s. 324.072(1), Florida Statutes, 1978 Supplement; deleting the requirement that the Department of Highway Safety and Motor Vehicles verify financial responsibility of a person whose license has been revoked or suspended after failure to comply with a civil penalty, to appear, or to post bond imposed in connection with the receipt of a uniform traffic citation; providing an effective date.

—was read the second time by title. On motion by Senator Barron, by two-thirds vote SB 1167 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—34

| | | | |
|-----------------|----------|-------------|------------|
| Mr. President | Gordon | McKnight | Thomas |
| Anderson | Gorman | Neal | Tobiasen |
| Barron | Grizzle | Peterson | Trask |
| Carlucci | Hair | Poole | Vogt |
| Chamberlin | Hill | Scarborough | Ware |
| Childers, D. | Jenne | Skinner | Williamson |
| Childers, W. D. | Johnston | Spicola | Winn |
| Fechtel | MacKay | Steinberg | |
| Frank | McClain | Stuart | |

Nays—None

Votes after roll call:

Yeas—Holloway, Myers

On motion by Senator Ware, the rules were waived and the Senate reverted to—

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Ware, by two-thirds vote SB 962 was withdrawn from the Committee on Transportation.

On motions by Senator Spicola, by two-thirds vote Senate Bills 111, 134 and 316 were withdrawn from the committees of reference and indefinitely postponed.

On motion by Senator Spicola, by two-thirds vote SB 829 was withdrawn from the Committee on Judiciary-Criminal.

On motions by Senator Hair, the rules were waived and the Committee on Judiciary-Civil was granted permission to remove Senate Bills 268 and 269 from the agenda and consider Senate Bills 450, 44, 69, 1058, 1231, 356, 621, 283, 471 and HB 26 on May 11.

Senator Don Childers moved that the rules be waived and SB 505 be withdrawn from the Committee on Ways and Means.

Senator Barron moved as a substitute motion that the rules be waived and time of adjournment be extended until final action on SB 563. The motion was adopted.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Philip D. Lewis, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 233 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Jennings, Ward and others—

HB 233—A bill to be entitled An act relating to the State Apprenticeship Council; amending s. 446.031, Florida Statutes; providing that the council shall serve in an advisory capacity to the Division of Labor of the Department of Labor and Employment Security; modifying the membership of the council; limiting voting power of certain members thereof; limiting terms; modifying meeting schedule; providing for expiration of terms of members currently serving unless reappointed; providing an effective date.

—was read the first time by title and referred to the Committee on Rules and Calendar.

SPECIAL ORDER, continued

The Senate resumed consideration of SB 563 and on motion by Senator Maxwell, by two-thirds vote HB 233 was withdrawn from the Committee on Rules and Calendar.

On motions by Senator Maxwell HB 233, a companion measure, was substituted for SB 563 and by two-thirds vote read the second time by title. On motion by Senator Maxwell, by two-thirds vote HB 233 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

| | | | |
|-----------------|----------|-------------|-----------|
| Mr. President | Gordon | McClain | Stuart |
| Anderson | Gorman | Neal | Thomas |
| Barron | Grizzle | Peterson | Tobiassen |
| Carlucci | Hair | Poole | Trask |
| Childers, D. | Hill | Scarborough | Vogt |
| Childers, W. D. | Jenne | Scott | Ware |
| Dunn | Johnston | Skinner | |
| Fechtel | MacKay | Spicola | |
| Frank | Maxwell | Steinberg | |

Nays—3

Chamberlin Holloway Winn

Vote after roll call:

Yea—Myers

SB 563 was laid on the table.

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 9 was corrected and approved.

The Senate adjourned at 12:05 p.m. to convene at 8:30 a.m., Friday, May 11, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions.